



CWP-14732-2022

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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

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**CWP-14732-2022 (O&M)
Date of decision : 10.01.2025**

GAUTAM SINGAL

..... Petitioner

VERSUS

UNION OF INDIA AND OTHERS

..... Respondents

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present :- Petitioner in person.

Mr. Satya Pal Jain, Addl. Solicitor General of India with
Ms. Saigeeta Srivastava, Senior Panel Counsel, UOI
for respondents No.1 and 2.

Mr. Gagneshwar Walia, Addl. AG, Punjab.

Mr. P. S. Ahluwalia, Advocate
for respondent No.6.

Mr. Nishant Arora, Advocate for
Mr. Gaurav Mohunta, Advocate
for respondent No.12.

Harsimran Singh Sethi, J. (Oral)

1. In the present petition, the grievance of the petitioner is that both the children of the petitioner have been taken away from his custody by an illegal and arbitrary manner at the instance of the private respondents No. 6 and 12. The further prayer is to quash an order dated 15.05.2020 (Annexure P-7) by which, the wife of the petitioner was allowed an accommodation by respondent No.6 at Mohali (SAS Nagar).

2. The petitioner who appears in person submits that the Memo issued by respondents No.5 to 11 (Annexures P-24, 25, 28 and 29) with regards to the recovery of penal rent/ market rent for period 15.05.2020 to



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21.11.2021, being illegal has already been cancelled and the claim raised has been accepted by respondents No.3, 4 and 5 vide Annexures R-1 and R-2.

3, Upon notice of motion, the respondents have filed the reply wherein, the allegations alleged against the respondents No.6 and 12 have been denied. It has been further brought to the notice of this Court during the hearing that petitioner has also filed a habeas corpus petition wherein, the daughter of the petitioner has refuted the allegations being alleged by the petitioner and the wife of the petitioner has stated that the minor son is living with her and they were not removed from the custody of the petitioner in an illegal manner.

4. From the facts stated hereinbefore, whether the children were removed from the custody of the petitioner illegally, needs to be proved by leading evidence and further, keeping in view the reply filed, the disputed question of facts have arisen as the allegations alleged by the petitioner have been refuted.

5. As per the judgment of Hon'ble the Supreme Court of India in ***Civil Appeal No.2848 of 2021 titled as Shubhas Jain Vs. Rajeshwari Shivam and others, decided on 20.07.2021***, the disputed question of facts cannot be gone into in the writ petition when the same needs evidence to be proved. The judgment paragraph of the said judgment is as under:-

“26. It is well settled that the High Court exercising its extraordinary writ jurisdiction under Article 226 of the Constitution of India, does not adjudicate hotly disputed questions of facts. It is not for the High Court to make a comparative assessment of conflicting technical reports and decide which one is acceptable.”

6. Keeping in view the above, this Court relegates the petitioner to



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avail appropriate remedy before the appropriate forum so as to prove the allegations being alleged by him by leading cogent evidence to support the same including the civil Court.

7. The present petition is disposed of in the above terms.

10.01.2025
Rimpal

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable :	Yes/No