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

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Date of decision: 11.03.2026

PUNJAB MANDI BOARD**....Petitioner****Versus****UNION OF INDIA AND ORS.****...Respondents****CORAM: HON'BLE MR. JUSTICE YASHVIR SINGH RATHOR**

Present : Mr. Sahil Dev Singh Bali, Sr. Advocate with
Mr. Jaiveer Singh Bali, Advocate and
Ms. Aarti Singh, Advocate for the petitioner.

Mr. Satya Pal Jain, Sr. Advocate with
Mr. Akash Vashisth, Advocate for respondent No.1.

YASHVIR SINGH RATHOR. J.(Oral)

1. The present revision petition has been instituted under Article 227 of the Constitution of India for setting aside the impugned order dated 27.01.2026 passed by the Court of Civil Judge, Junior Division, Patiala, whereby the suit (Annexure P-5) instituted by respondent No.1 has been allowed to be dismissed as withdrawn with a liberty to file writ petition before Punjab and Haryana High Court, Chandigarh.

2. I have heard learned counsel for both the parties and have gone through the material placed on the file.

3. Learned counsel for the petitioner contended that the Union of India had instituted Civil Suit No.2284-2025, titled "*Union of India Vs. Chairman, Punjab Mandi Board and Others*" in the Court of Civil Judge, Junior Division, Patiala seeking decree for permanent injunction restraining defendants No.1 to 3 from raising any construction/structure over Panchayati land of Village



Mehamadpur, where the grain market is situated, as the said land falls within 1000 yards of Ammunition Depot at Village Barsat, District Patiala, as per the notification dated 16.01.2006 of the Government of India, Ministry of Defence. Learned counsel further contended that the trial Court on an application moved by the plaintiff-Union of India allowed withdrawal of the suit and granted liberty to file writ petition before Punjab and Haryana High Court at Chandigarh. Learned counsel next contended that the permission under Order 23 Rule 1 CPC to withdraw a suit with the liberty to file a suit on the same cause of action can be granted only for filing of a suit based on the same cause of action and no permission to file a writ petition can be granted by the Civil Court and the impugned order passed by the Civil Court is contrary to the provisions contained in Order 23 Rule 1(3) CPC and the order is thus, liable to be set aside. In support of his contention, learned Senior counsel has relied upon the judgment passed by Hon'ble Supreme Court in Law Finder Doc ID #89729, ***Sarguja Transport Service Vs. State Transport Appellate Tribunal, Gwalior and Others.***

4. On the other hand, learned Senior Counsel appearing for Union of India has argued that initially Gram Panchayat itself had filed a writ petition bearing CWP No.31957 of 2025 against State of Punjab and Punjab Mandi Board for restraining them from raising construction over the land situated within 1000 yards of the Ammunition Depot and a Division Bench of this Court has restrained Punjab Mandi Board from raising construction over the land in question and this order of injunction has been further extended vide order dated 21.01.2026. Learned counsel further contended that Union of India has also filed CWP No.6402 of 2026, after withdrawal of the suit, in which the present petitioners



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have put in their appearance and the writ petition has been ordered to be heard along with CWP No.31957 of 2025 and similar interim order has been passed. Learned counsel next contended that the present petitioner can challenge the maintainability of the writ petition as well as the impugned order dated 27.01.2026 passed by the Civil Judge, Junior Division, Patiala granting permission to Union of India to file a writ petition after withdrawal of the suit and this issue should be left open to be decided in the writ petition which has already been instituted.

5. There is considerable force in the contentions raised by learned counsel for the respondent-Union of India. As to whether Civil Judge, Junior Division, Patiala could have allowed withdrawal of the suit alongwith liberty to the Union of India to file a writ petition on the same cause of action can be adjudicated effectively and appropriately in the writ petition which has already been instituted by the Union of India. In case any contrary order is passed by this Court, it will have an adverse effect on the maintainability of the civil writ petition instituted by the Union of India.

6. Accordingly, the present petition is disposed of and petitioner is permitted to raise all the pleas that have been raised in this revision petition in Writ Petition No.6402-2026 instituted by Union of India and it will be appropriate, if this question is decided in the writ proceedings itself and not by this Court.

(YASHVIR SINGH RATHOR)
JUDGE

11.03.2026
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Whether speaking/reasoned. : Yes/No
Whether Reportable. : Yes/No