



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

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CWP-18431-2026

Date of Decision: 29.05.2026

RAKESH KATARIA

...Petitioner

Vs.

STATE OF HARYANA AND ORS.

...Respondents

CORAM:- HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Ms. Apoorva Arya, Advocate (*through V.C*) for
Mr. J.S. Ghumman, Advocate for the petitioner

Mr. Akshit Pathania, Assistant A.G. Haryana

JAGMOHAN BANSAL, J. (ORAL)

1. The petitioner through instant petition under Article 226/227 of the Constitution of India is seeking setting aside of order dated 20.10.2004 whereby respondent No.3-Presiding Officer, Samjhauta Sadan, Gurgaon has declared respondent No.4-Rajesh Kataria as owner in possession of property bearing No.448-A, Ward No.6, Gurgaon. He is further praying that respondent No.4 be restrained from alienating, selling, transferring or creating any third party interest in the property in dispute. He is also praying that operation of impugned award may be kept in abeyance.

2. As per petition, the petitioner's father along with father of the respondent No.4 vide vasika No.2992 dated 04.09.1985 jointly purchased the subjected property which is adjoining the ancestral property of petitioner's father, father of respondent No.4 and their brother. The respondent No.4 in collusion with his father filed application

dated 09.09.2004 before Secretary, District Legal Services Authority, Gurgaon alleging that both the plots were ancestral property allotted to them as per family settlement dated 04.08.2004. The Presiding Officer, Samjhauta Sadan, Gurugram vide award dated 20.10.2004 allowed claim of respondent No.4. The respondent No.4 on the basis of impugned award took loan from bank. The petitioner became aware of the impugned award when the said property was put on auction by the bank in the year 2015 and sealed in 2016. The respondent No.4 in 2019 attempted to alienate the said property by alleging himself to be the exclusive owner. The petitioner filed civil suit before Ld. Civil Judge (Junior Division), Gurugram alleging illegal transfer of ancestral property which was dismissed vide judgment and decree dated 17.08.2023. He preferred appeal before Additional District Judge, Gurugram who vide judgment and decree dated 27.01.2026 dismissed the same.

3. On being confronted with the fact that Ld. ADJ, Gurugram has dismissed petitioner's appeal and alternative remedy against orders passed by Ld. ADJ is available, learned counsel for petitioner seeks permission to withdraw the petition with liberty to avail alternative remedies as permissible by law.

4. Dismissed as withdrawn with aforesaid liberty.

5. Pending application(s), if any, stands disposed of.

(JAGMOHAN BANSAL)
JUDGE

May 29, 2026
Deepak DPA

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No