

(2013) 08 P&H CK 0206
In the Punjab And Haryana At Chandigarh
Case No : C.W.P. No. 6531 of 1993

Daya Nand and Another

APPELLANT

Vs

State of Haryana and Others

RESPONDENT

Date of Decision : 21-08-2013

Acts Referred:

Citation : (2014) 173 PLR 539

Hon'ble Judges : Satish Kumar Mittal, J; Mahavir Singh Chauhan, J

Bench : Division Bench

Judgement

Satish Kumar Mittal, J.—In the present writ petition, the petitioners are seeking direction to the respondents to pay Rs. 1,00,000/- as damages to them for having illegally demolishing their house built up on Plot No. 346 in village Pundri, Tehsil and District Karnal. Learned counsel for the respondents pointed out that a civil suit regarding ownership and demolition was filed by the petitioners which is pending. It has also been argued that the present writ petition filed by the petitioners raising the disputed questions of facts and claiming damages for illegal demolition of their house, is not maintainable as the petitioners have remedy to file a suit for damages against the wrongdoer. We find force in this argument of the learned counsel for the respondents. In *Nilabati Behera (Smt.) alias Lalita Behera (Through the Supreme Court Legal Aid Committee) v. State of Orissa and others*, (1993) 2 SCC 746, it has been held by the Hon'ble Supreme Court that for a private wrong committed by the individual the remedy in public law under the Constitution by recourse to Articles 32 and 226 is not maintainable. In the index, the petitioners have given description of a similar case, i.e., CWP No. 6378 of 1989. In the said writ petition, the similar prayer was made by the petitioners therein claiming damages for launching a false, malicious and a mala fide case against them, and the said writ petition has also been dismissed by this Court vide order dated September 14, 2011 being not maintainable. Secondly, the disputed questions of facts have been raised in this case which require evidence and cannot be gone into by this Court in the writ jurisdiction.

2. Since no one is present on behalf of the petitioners, the writ petition is dismissed.