

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP No.26244 of 2015
Date of decision:17.12.2015

Brig. Balvir Ahuja

... Petitioner

VS.

State of Haryana & others

... Respondents

CORAM: HON'BLE MR. JUSTICE S.J. VAZIFDAR, ACTING CHIEF JUSTICE
HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA.

Present: Ms. Divya Sharma, Advocate for the petitioner.

...

S. J. VAZIFDAR, ACTING CHIEF JUSTICE.

The petitioner has challenged a notice dated 16.10.2015 calling upon him to show cause why an allotment of a residential plot in his favour ought not to be cancelled and an FIR be lodged against him. There is no warrant of interference with the show cause notice at this stage at least insofar as the cancellation of the allotment is concerned. The petitioner's apprehension is that an FIR may be lodged against him and that it would be difficult for him to prosecute the litigation as he is over 80 years of age.

2. From the show cause notice it appears that the question of filing an FIR does not arise at this stage. It would be filed only in the event of the decision on the show cause notice being adverse to the petitioner. The respondents may not even lodge an FIR even if the finding is adverse to the petitioner. It would depend upon the conclusion that is arrived at. We are sure that even if the decision is adverse to the petitioner, the same will not be implemented for reasonable period of time after the service thereof upon the petitioner

so as to enable the petitioner to adopt appropriate proceedings.

3. The writ petition is disposed of with the above observations.

(S.J. VAZIFDAR)
ACTING CHIEF JUSTICE

(TEJINDER SINGH DHINDSA)
JUDGE

17.12.2015
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