

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

CWP No. 10204 of 2016
Date of decision: 23.05.2016

Kulbhushan GuptaPetitioner

Versus

The Commissioner, Rohtak Division, Rohtak and others
....Respondents

CORAM: HON'BLE MR. JUSTICE PARAMJEET SINGH DHALIWAL

Present: Mr. Ajay Kumar Gupta, Advocate,
for the petitioner.

Paramjeet Singh Dhaliwal, J. (Oral)

The instant writ petition has been filed for issuance of a writ in the nature of certiorari for quashing the order dated 29.11.2007 (Annexure P-2), order dated 28.01.2010 (Annexure P-5) passed by respondent No.2-City Magistrate-cum-Collector, Panipat Commissioner, Rohtak Division, Rohtak, order dated 27.02.2013 (Annexure P-6) passed by respondent No.1-The Commissioner, Rohtak Division, Rohtak and order/memo dated 18.04.2016 (Annexure P-13) passed by respondent No. 3- Executive Engineer/CMD(C), PTPS, HPGCL, Panipat.

The petitioner was ordered to be evicted under the provisions of Haryana Public Premises and Land (Eviction & Rent Recovery) Act, 1972. The impugned orders were challenged in ***CWP No. 8969 of 2013*** titled as ***Kulbhushan Gupta Vs. Commissioner, Rohtak Division, Rohtak and others***, which was dismissed as withdrawn and the following order was passed:

“In view of the aforesaid submissions, the present petition is dismissed as withdrawn with

liberty to the petitioners to make representation to the respondents within one month from today. The respondent No. 3 is directed to consider the representation and while doing so, he shall not be influenced by the order of this Court and shall take independent decision in accordance with law. The amount which has been deposited by the petitioners shall be adjustable towards the amount that may be found due against them in accordance with law.”

Thereafter, the petitioner filed representation dated 15.10.2015 and issued legal notice dated 29.03.2016 (Annexure P-12), which were decided vide order dated 18.04.2016 (Annexure P-13). In the garb of decision of said representation and legal notice, the instant writ petition has been filed.

At this stage, learned counsel for the petitioner seeks permission to withdraw the present petition with liberty to file appeal against the order dated 18.04.2016 (Annexure P-13) before the Financial Commissioner, Power.

I have considered contentions raised by learned counsel for the petitioner.

No provision has been cited by the learned counsel that the Financial Commissioner has jurisdiction to hear the appeal. I am not sure whether the Financial Commissioner, has jurisdiction to hear the appeal, however, if the said authority has jurisdiction to decide the matter in appeal, the same can be filed by the petitioner and the authority will decide the same in accordance with law.

Dismissed as withdrawn with liberty aforesaid.

23.05.2016
PA

(Paramjeet Singh Dhaliwal)
Judge