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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-14237-2016

Date of decision : 25.04.2017

Vinod

... Petitioner(s)

Versus

State of Haryana and others

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. Raj Kapoor Malik, Advocate
for the petitioner.

Mr. Indresh Goel, Addl. A.G., Haryana.

Mr. M.S. Sindhu, Advocate
for respondent No.4.

AMIT RAWAL, J. (ORAL)

The petitioner has approached this Court for seeking following relief:-

"Civil Writ Petition under Article 226/227 of the Constitution of India for the issuance of a writ in the nature of certiorari to quash the action of the respondent No.2 not to demolish the constructed/pucca house of the petitioner (Annexure P-5) under the garb of eviction order dated 07.02.2014 passed by respondent No.3 in the case No.9/SDO dated 18.08.2009 (Annexure P-2), vide which total 19 persons have been ejected out under the Public Premises Act by respondent No.3 and case No.5/SDO/Kalayath filed by respondent No.4 against the petitioner is still pending for final adjudication before the ld. Court of respondent No.3 (Annexure P-3) and whereas, the respondent No.3 is bent upon to execute the warrant of

possession with help of police against the present petitioner also without any order and same is the illegal act of the respondent No.2.

AND

Further issue a writ of mandamus directing the respondents, no to demolish the constructed house of petitioner without following the due process of law.

AND/OR

This Hon'ble Court may also pass any order/writ, which this Hon'ble Court deems fit in the facts and circumstances of the case."

The stand on behalf of the respondent(s) has been taken in paragraph 5 of the written statement which reads as under:-

"5. That the encroachments from the public ponds are being removed by the District Authorities in compliance of order Annexure P-1 passed by the Hon'ble First Division Bench of this Hon'ble High Court and further in compliance of order Annexure R-2/1 passed by the then Deputy Commissioner, Kaithal in compliance of order dated 04.11.2008 (Annexure P-1. Proceedings under Public Premises Act were pending against the petitioner in the Court of Collector, Kalayat, respondent No.3. Upon re-demarcation got carried by respondent No.4 with the help of Total Station Machine, no possession of the petitioner was found on the land of ponds falling under Khasra No.480 and as a result, the respondent No.4 has since withdrawn the said proceedings."

In view of the stand taken by the respondent(s), the proceedings initiated under the Public Premises Act have been withdrawn, therefore, the impugned order passed against the petitioner is inconsequential.

At this stage, learned counsel for the petitioner seeks liberty of this Court to withdraw the present writ petition as no cause of action

survives in the present writ petition.

Ordered accordingly.

25.04.2017
Yogesh Sharma

(AMIT RAWAL)
JUDGE

	✓
Whether speaking/reasoned	Yes/ No
	✓
Whether Reportable	Yes/ No