

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

CWP-17404-2017 (O&M)

Date of decision:- 08.08.2017

Gurmeet Singh Makkar

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE S.J. VAZIFDAR, CHIEF JUSTICE
HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

Present:- Mr. J.K. Goel, Advocate,
for the petitioner.

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S.J. VAZIFDAR, C.J. (ORAL)

The impugned order was passed pursuant to the directions of a Division Bench of this Court dated 01.02.2016 in CWP-17487-2010. The Division Bench in fact noted that an inquiry was required as to whether the benefit of the notification would be available to the petitioner or not. This would require the authorities considering the record. The order further directed that if it is found that the petitioner was not at fault, the Conveyance Deed ought to be registered as per the notification dated 08.04.2015.

2. The impugned order has examined the record and come to the conclusion that the petitioner would not be entitled to the benefit of the notification.

3. The learned counsel appearing on behalf of the petitioner states that certain other facts also require consideration.

4. We will assume that to be so. As the impugned order itself records that the petitioner has the remedy of an appeal before the Court of the Divisional Commissioner, Roopnagar. In

our view, in the facts and circumstance of this case, the petitioner ought to avail an alternate remedy at least in the first instance. It is clarified that in the event of the appeal not being decided on merits for any reason whatsoever, this petition shall stand revived without further orders of the Court.

5. The petitioner is at liberty to deposit the amount as per the impugned order without prejudice to his rights and contentions. In the event of the petitioner doing so and succeeding in the matter ultimately, the respondents, if they retain the amount, shall return the same with interest as may be specified by the appellate authority or by any other Court.

6. The writ petition is accordingly disposed of.

(S.J. VAZIFDAR)
CHIEF JUSTICE

(HARINDER SINGH SIDHU)
JUDGE

08.08.2017

Amodh

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No