

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

LPA No.402 of 2017 (O&M)

Date of Decision : 17.03.2017

Pritpal Singh

.....Appellant

Versus

Sub Divisional Magistrate-cum-Collector,
Mohali and others

.....Respondents

CORAM : HON'BLE MR.JUSTICE MAHESH GROVER
HON'BLE MR.JUSTICE DR.SHEKHER DHAWAN

....

Present: Mr. H.B.S.Baidwan, Advocate
for the appellant.

....

MAHESH GROVER, J. (Oral)

The appellant is in appeal against the judgment of the
learned Single Judge dated 13.02.2017.

On a prior occasion the appellant had preferred CWP
No.8189 of 2013 questioning the proceedings before the Sub
Divisional Magistrate, SAS Nagar, Mohali. In these proceedings
at one point of time the court passed the following order :-

“C.M.-4233-CWP-2016 in CWP-8189-2013

Dalbir Singh and another

vs.

Sub Divisional Magistrate cum Collector and others

Present: Mr.R.S.Chauhan, Advocate for the applicant-
petitioner(s).

Mr. V.Ramswaroop, Addl.A.G., Punjab.

Learned counsel have informed the Court that the Court
that proceedings before the Sub Divisional Magistrate,

SAS Nagar, Mohali are nearing culmination.

Only order remains to be pronounced.

Adjourned to 11.11.2016.

It is made clear that the said authority shall be at liberty to pass the final order.

Sd/-
(Rajan Gupta)
Judge

August 27, 2016”

Subsequent thereto a final order passed by the Sub Divisional Magistrate has come into existence. The present petition was to be heard and disposed of along with CWP No.8189 of 2013. The learned Single Judge noticed that since there was no restraint on the proceedings before the Sub Divisional Magistrate and a final order having come into existence, the appellant would have remedy to impugn the same and raise all the pleas that were raised in the present proceedings also, including the question of maintainability of a second application for redemption, which, according to the learned counsel for the appellant, stands concluded by several judgments of this Court as also the Hon'ble Supreme Court.

Evidently, the appellant would be at liberty to raise all the pleas and question the order that has come into existence.

We make it clear that if any observation has been made by the learned Single Judge in these proceedings that would not come in the way of the appellant in questioning the final order now passed.

Appeal stands disposed of.

(MAHESH GROVER)
JUDGE

17.03.2017
dss

(SHEKHER DHAWAN)
JUDGE

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