

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

205

CWP-20008-2016

Date of Decision: 20.02.2018

RAJENDER KUMAR (NOW DECEASED) THROUGH LRs.

....Petitioner(s).

Versus

STATE OF HARYANA AND ANR.

...Respondent(s).

**CORAM:- HON'BLE MR. JUSTICE AJAY KUMAR MITTAL
HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL**

Present: Mr. Sanjay Vashisth, Advocate
for the petitioner.

Mr. D.R.Singla, Deputy Advocate General, Haryana.

Mr. Deepak Sabherwal, Advocate
for respondent No.2.

AJAY KUMAR MITTAL, J.

The petitioner(s) by way of present petition filed under Articles 226/227 of the Constitution of India is seeking a direction for issuance of a writ in the nature of certiorari to quash the letter No.MCF/ZTO-1/2016/457 dated 20.05.16 (P-30) whereby respondent No.2 has issued a letter of cancellation of plot No.76 in Gagan Scrap Market (Kabari Market) NIT Faridabad.

2. It may be noticed that earlier the petitioner(s) had approached this Court by way of Civil Writ Petition No.13030 of 1999, which was decided on 17.10.2012, in which, the similar

relief had been claimed by the petitioner(s), wherein, it was observed as under:-

“Insofar as, the issue as to whether the petitioners really exist at the spot as scrap dealers is a pure question of fact which cannot be determined in the writ jurisdiction. Similarly, whether the allotment is to be made to one firm or to be made to all the partners who are otherwise entitled or not is again a question of fact because the land in occupation of the petitioners do not belong either to the individual or to the firm as it belongs to the Government and they are admittedly in unauthorized possession.”

3. In view of the aforesaid observations in the order dated 17.10.2012, learned counsel for the petitioner(s) states that he may be allowed to withdraw the present writ petition with liberty to the petitioner(s) to approach the civil court for the relief as claimed in the present writ petition as certain questions of fact are required to be established.

4. Learned counsel further prayed that status quo which was granted by this Court vide order dated 03.12.2016 may be extended for two weeks.

5. In view of the above, the present writ petition is dismissed as withdrawn. It shall be open to the petitioner(s) to

take recourse to the remedies as may be available to them, in accordance with law.

6. Status quo is granted for 15 days from today. However, the grant of status quo vide the present order shall not be taken to be an expression of opinion on the merits of the controversy involved in the case.

(AJAY KUMAR MITTAL)
JUDGE

(ANUPINDER SINGH GREWAL)
JUDGE

20.02.2018
SwarnjitS