

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

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**CWP-7332-2018
Date of Decision: 23.03.2018**

**NEW FRUITS & VEGETABLES MARKET ASSOCIATION SEC
16 FARIDABAD**

....Petitioner.

Versus

MARKET COMMITTEE SEC 16 FARIDABAD & ORS.

...Respondents.

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

Present: Mr. Jagdish Manchanda, Advocate
for the petitioners.

AJAY KUMAR MITTAL, J. (ORAL)

The petitioner-Association has approached this Court, by way of filing the present writ petition under Articles 226/227 of the Constitution of India, seeking issuance of writ of certiorari for quashing the action of the respondents while changing the layout plan of the New Fruit & Vegetable Market, Sector 16, Faridabad (Annexure P-10), issuance of writ of mandamus directing the respondents not to change the nature of common shed which was constructed for the benefit of the shop plot holder and further directing the respondents not to allot the plot to mashakhori in the common shed or any other order or direction which this Court may deem fit and proper.

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2. It was not disputed by the learned counsel for the petitioner-Association that the petitioner-Association had filed a civil suit for permanent injunction, in which an application for interim injunction under Order 39 Rule 1 & 2 of the Code of Civil Procedure, 1908 (hereinafter referred to as 'the CPC') read with Section 151 of the CPC, had also been filed which was declined. It was submitted by learned counsel for the petitioner-Association that after the dismissal of the appeal against the interim injunction by the first appellate Court, civil revision has been filed in this Court, which is pending.

3. A prayer was made by learned counsel for the petitioner-Association to withdraw the present writ petition with liberty to take all the pleas in the civil proceedings before the appropriate forum, in accordance with law.

4. The petition is dismissed as withdrawn.

5. It shall, however, be open to the petitioners to take recourse to the remedies, as may be available to them, in accordance with law.

(AJAY KUMAR MITTAL)
JUDGE

(ANUPINDER SINGH GREWAL)
JUDGE

23.03.2018

SwarnjitS

Whether speaking/reasoned :	YES/NO
Whether reportable :	YES/NO