

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

**R.A. No.451 of 2017 (O&M) in
CWP No.11846 of 2014
Date of Decision.22.03.2018**

Harnek Singh

.....Petitioner

Vs

State of Punjab and others

.....Respondents

CORAM:HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. Nikhil Chopra, Advocate
for the applicant-petitioner.

-:-

AMIT RAWAL J.(ORAL)

C.M. No.14270 of 2017

For the reasons stated in the application, delay of 130 days in filing the review application is condoned.

Application is allowed.

RA No.451 of 2017

The prayer in the application is for review of the order dated 20.04.2017 whereby this Court had dismissed the writ petition seeking quashing of the order (copy not supplied) vide which the directions given by this Court to the respondents in order dated 8.8.2013 passed in CRM-M No.26043 of 2013 with regard to demarcation had not been complied with. This Court had disposed of the writ petition on the basis of the decision dated 19.01.2015 (Annexure R-4/4) attached with the reply purported to have been passed in compliance of the order dated 8.8.2013.

Mr. Nikhil Chopra, learned counsel appearing on behalf of the review applicant-petitioner submitted that the report (Annexure R-4/4) *per se* does not conform to the directions of this Court as the alleged

demarcated because the same is located in the *abadi deh* and even possession had been taken, therefore, all these facts if noticed in the presence of the counsel for the petitioner, there would not have been occasion for the Court to dismiss the writ petition, thus, urges this Court for recalling the order sought to be reviewed.

I have heard learned counsel for the review applicant, appraised the paper book and of the view that the remedy availed by the petitioner is not to file the review application as there was no error. No doubt, a cursory glance of the order (Annexure R4/4) reveals that the Deputy Commissioner had passed the order in purported compliance of the directions given by this Court vide order dated 8.8.2013 but the fact of the matter is that the petitioner had fresh cause of action to challenge the same in accordance with law by raising the pleas as has been raised in the instant application but not in the manner and mode as has been done, as there is no error apparent on the face of the record.

Faced with the situation, learned counsel appearing for the applicant-petitioner submits that he may permitted to withdraw the review application and file separate writ petition by challenging the aforementioned order. He also submitted that copy of the order was not provided earlier and seen light of the day when the reply was filed.

The review application is dismissed as withdrawn with liberty as aforesaid. The petitioner shall also be at liberty to wriggle out of the doctrine akin to delay and latches by giving explanation.

(AMIT RAWAL)
JUDGE

March 22, 2018
Pankaj*

Whether reasoned/speaking	Yes
Whether reportable	No