

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CWP-31052-2018 (O&M)
Date of Decision: 10.01.2019

Sarvjeet

--Petitioner

Versus

State of Haryana & others

--Respondents

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. Anand Chhiber, Sr. Advocate with
Mr. Lalit Thakur, Advocate for the petitioner.

Ms. Nidhi Garg, A.A.G., Haryana.

TEJINDER SINGH DHINDSA.J (Oral)

Challenge in the instant petition is to the order dated 24.9.2018 (Annexure P-8) passed by the Sub Divisional Magistrate, Kaithal and in terms of which the petitioner herein has been directed to shut down the slaughter house which was being run in the premises in question.

Apparently, the order dated 24.9.2018 has been passed in pursuance to an application moved by Gram Panchayat of Village Siwan under Section 133 of the Cr.P.C.

Having heard learned senior counsel at length and having perused the pleadings on record, this Court is of the considered view that no basis for intervention is made out, at this stage. Such view is being taken as the order under challenge is a conditional order for removal of nuisance under Section 133 Cr.P.C. The impugned order itself has put the petitioner to notice for 8.10.2018. The order concededly has not been made absolute as of date. The writ petition, as such, is premature.

At this stage, learned senior counsel submits that even though, the petitioner had been put to notice for 8.10.2018 but the matter thereafter has not made any progress and repeated adjournments are being given in the matter. He, accordingly, confines the scope of the instant petition in terms

of issuance of directions to the S.D.M., Kaithal to take a final view in the matter.

Notice of motion on such limited issue.

On the asking of the Court, Ms. Nidhi Garg, learned A.A.G., Haryana accepts notice on behalf of respondents no.1 and 2.

In view of the order that I intend to pass there would be no requirement of calling for a reply to be filed on behalf of the official respondents. Furthermore, the instant writ petition is being disposed of without issuing notice to respondents no.3 to 9 so as to avoid any further delay in the matter.

Without going into the merits of the case, the instant writ petition is disposed of with a direction to the S.D.M., Kaithal/respondent no.2 to proceed further in the matter in case no.219/SDO (date of institution 24.9.2018 titled as Gram Panchayat Siwan Vs. Sarvjeet Singh and Dev Raj) and to pass final order thereupon within a period of two months from today and after hearing all parties concerned.

In case the petitioner herein has not filed any reply in response to the notice issued to him pursuant to the order at Annexure P-8, liberty is granted to file such response along with all supporting documents within a period of one week from today.

Writ petition is disposed of in the aforesaid terms.

(TEJINDER SINGH DHINDSA)
JUDGE

10.01.2019
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Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No