

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

**CWP-26487-2019 (O&M)
Date of Decision:18.09.2019**

Lakhvir Kumar

... Petitioner

Versus

State of Punjab & others

... Respondents

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

Present:- Mr. Baljinder Singh, Advocate for the petitioner.

....

TEJINDER SINGH DHINDSA, J. (ORAL)

Petitioner has filed the instant writ petition seeking a mandamus to direct respondent No.2 i.e. The Deputy Commissioner-cum-Registrar District SBS Nagar to take a final decision upon a representation dated 18.07.2019 (Annexure P-9).

Counsel has been heard at length.

Perusal of the representation at Annexure P-9 would reveal that the grievance of the petitioner is essentially with regard to issuance of a license of Wasika Nawis.

During the course of arguments, it has gone uncontroverted that vide order dated 25.01.2010 issue by the Registrar, SBS Nagar (Annexure P-5), the Deed Writer's License that had earlier been issued in favour of the petitioner was cancelled.

In the considered view of this Court, the prayer raised in the instant petition can be examined only upon setting aside the order whereby the Deed Writer's License had been cancelled.

For reasons best known to the petitioner, no challenge has been laid to the order dated 25.01.2010 at Annexure P-5.

Counsel would seek to justify such state of affairs by submitting that the order of cancellation of the Deed Writer's License has not been assailed on account of the time period that had lapsed.

The apprehension voiced as regards delay is not well founded. If the order cancelling the Deed Writer's License is not based on valid grounds, the validity of the same can still be examined as in the interregnum, 3rd party rights have not intervened. In any case, counsel has been able to demonstrate to this Court that in the case of identically situated person, namely, Balbir Singh and whose license had also been cancelled in the year 2010, such Balbir Singh having approached this Court by way of filing CWP-4359-2014, this Court has intervened and the order of cancellation of the Deed Writer's License has been set aside.

Counsel at this stage seeks withdrawal of the writ petition with liberty to file a petition afresh raising all prayers made in the instant writ petition as also to challenge the order of cancellation of his Deed Writer's License dated 25.01.2010.

Prayer is allowed.

Writ petition is disposed of as withdrawn with liberty as prayed for.

18.09.2019

harjeet

**(TEJINDER SINGH DHINDSA)
JUDGE**

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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |