

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-27064-2019

Date of Decision: 23.09.2019

Sarwan Singh

..... Petitioner

Vs.

State of Punjab and others

..... Respondents

**CORAM: HON'BLE MR.JUSTICE RAKESH KUMAR JAIN
HON'BLE MR.JUSTICE ARUN KUMAR TYAGI**

Present: - Mr.Harsh Bunker, Advocate,
for the petitioner.

RAKESH KUMAR JAIN, J. (ORAL)

Petitioner has challenged the order dated 18.12.2018 passed by the Additional Deputy Commissioner-cum-Assistant Director, Consolidation, Punjab by which petition filed under Sections 55 and 56 of the Cooperative Societies Act has been dismissed on the ground of jurisdiction.

After arguing for some time, learned counsel for the petitioner has conceded that the said authority does not have the jurisdiction to decide such like petitions. He has also submitted that since the dispute is regarding the passage, the petitioner should have approached the Director Consolidation in terms of Section 42 of the East Punjab Holdings (Consolidation and Prevention of Fragmentation) Act, 1948 [for short 'the Act']. He has thus prayed that he may be allowed to withdraw the present petition in order to avail his remedy in accordance with law but at the same time it is prayed that the impugned order dated 18.12.2018 may not come in his way.

After hearing learned counsel for the petitioner and taking into consideration the aforesaid facts and circumstances, the present petition is hereby dismissed as withdrawn and it is also clarified that since the impugned order has been passed on the pretext that the authority does not have jurisdiction, therefore, it shall not come in the way of the petitioner in availing his other statutory remedy.

(RAKESH KUMAR JAIN)
JUDGE

23.09.2019

Vivek

(ARUN KUMAR TYAGI)
JUDGE

Whether speaking /reasoned : *Yes/No*

Whether Reportable : *Yes/No*