

CRM-M-2251-2020 (O&M)

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

**CRM-M-2251-2020 (O&M).
Decided on: January 20, 2020.**

Navjot Lehal

.. Petitioner

VERSUS

M/s Ajanta Coop. House Building (First) Society Ltd. and another

.. Respondents

*** * ***

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

*** * ***

PRESENT Petitioner in person.

JASGURPREET SINGH PURI, J. (ORAL)

The present petition has been filed under Section 482 Cr.P.C. seeking directions to quash the impugned order dated 06.01.2020 (Annexure P1), passed by the learned Additional Sessions Judge-cum Revisional Authority, Chandigarh, setting aside the order dated 01.10.2018, passed by the Tehsildar (S)-cum-Executive Magistrate, Estate Office, U.T., Chandigarh (Annexure P5), which according to the petitioner, who is appearing in person, is not a non-speaking order but a well reasoned order. She further submits that the learned Revisional Authority has discussed the entire case on its merits and thereafter, in the concluding part of the order,

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has set aside the order of the Tehsildar (S)-cum-Executive Magistrate, Estate Office, U.T., Chandigarh, on the ground that it is a non-speaking order and thereafter, has remanded back the same for passing a speaking order on the basis of the material placed on record.

The grievance of the petitioner is that the learned Revisional Authority, on one hand, has observed everything on merits and on the other hand, has remanded back the case and therefore, the Tehsildar (S)-cum-Executive Magistrate, Estate Office, U.T., Chandigarh, would not be able to apply his mind with regard to the merits of the case once the observations have come from the learned Revisional Authority, and as such, no useful purpose would be served by remanding the case.

After hearing the petitioner in person and going through the paper book, it transpires from a bare reading of order dated 01.10.2018, passed by the Tehsildar (S)-cum-Executive Magistrate, Estate Office, U.T., Chandigarh (Annexure P5), that it is a very short order and cannot be said to be a speaking and detailed order. The documents stated in the order have not been discussed and therefore, lacks reasoning. The argument of the petitioner that on the one hand, the learned Revisional Authority has made detailed observations and on the other hand, has remanded back the matter for fresh decision, has some weight. At this stage, once the matter has been remanded back, this Court would not interfere in the order passed by the learned Revisional Authority. However, it is directed that the Tehsildar (S)-cum-Executive Magistrate, Estate Office, U.T., Chandigarh, while deciding the complaint under Sections 145 and 147 Cr.P.C. afresh, would apply his

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mind independently after perusing the entire record including the record of the Joint House Meeting of the respondent No.1 - Society and after hearing the petitioner personally and would not be guided or bound by any observation made by the learned Revisional authority on merits of the case. It is further directed that the Tehsildar (S)-cum-Executive Magistrate, Estate Office, U.T., Chandigarh, shall decide the complaint as expeditiously as possible and not later than two months from the date of receipt of certified copy of the order. The Registrar Cooperative Societies shall depute a senior responsible officer along with entire record of the case to assist the Tehsildar (S)-cum-Executive Magistrate, Estate Office, U.T., Chandigarh, in the present case.

The petition is disposed of accordingly.

January 20, 2020.
raj arora

(JASGURPREET SINGH PURI)
JUDGE

Whether speaking / reasoned	Yes / No
Whether reportable	Yes / No