

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

CWP-12148-2019

Date of decision : 13.01.2020

Munsha Singh (since deceased) through his LRs

....Petitioner(s)

V/s

The State of Punjab & ors.

....Respondents

**CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA
HON'BLE MR. JUSTICE KARAMJIT SINGH**

Present: Ms. Satinder Kaur, Advocate for the petitioner.

Mr. Sahil Sharma, DAG Punjab.

RAJAN GUPTA J. (ORAL)

Petitioner(s) has sought a writ in the nature of certiorari for quashing impugned order dated 25.08.2017 passed by the authority being arbitrary and unsustainable in the eyes of law. It is *inter alia* contended by the petitioner that he has never been associated with the assessment. Besides, he has no connection with the mining as going on in the village as he is not the resident thereof.

Reply by way of counter affidavit of Harjot Singh Walia, Executive Engineer-cum-District Mining Officer (Mining Division) Ludhiana has been filed in court. Same is taken on record. At the outset, learned State counsel has pointed out that petitioner has not exhausted the alternative statutory remedy as provided under the law. According to him, all pleas of the petitioner(s) could be considered by the appellate authority had the said remedy being availed. We find substance in the plea.

In view of above, learned counsel for the petitioner(s) submits that she may be allowed to withdraw the petition with liberty to avail the remedy of appeal alongwith an application for condonation of delay, if any.

Dismissed as withdrawn. In case appeal is filed within one month from today, the appellate authority shall be at liberty to pass appropriate orders thereon including application for condonation of delay, if any within three months thereof.

Till then status-quo be maintained.

(RAJAN GUPTA)
JUDGE

January 13, 2020
Ajay

(KARAMJIT SINGH)
JUDGE

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