IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

216

*****

==========

IN VIRTUAL COURT

==========

CWP No. 12670 of 2020
Date of decision : 23.11.2020

Kulwant Singh and others **……Petitioners**

Vs.

State of Haryana and others **……Respondents**

Coram: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present : Mr. Vikram Singh, Advocate, for the petitioners

Mr. Rohit Arya, DAG, Haryana

Mr. Ashish Aggarwal, Senior Advocate with
Mr. Bhupinder Ghai, Advocate, for respondents No. 3 and 4

Rajbir Sehrawat, J. (Oral)

This petition has been filed under Articles 226/227 of the Constitution of India praying for issuance of a writ of certiorari for setting aside the order dated 21.7.2020 (Annexure P-5), vide which the Collector has allowed the application of the private respondents; for deleting the entry of mortgage from revenue record, i.e. records of rights that too without impleading the petitioners as party and without having jurisdiction in the matter; and order dated 14.1.2020 (Annexure P-4), vide which the application of the petitioners to implead them as party to the proceedings has been dismissed.

The counsel for the respondents have taken a preliminary objection that the impugned order is appealable one, under the statutory provisions.

ASHWANI KUMAR
2020.11.23 17:59
I attest to the accuracy and
integrity of this document

The counsel for the petitioners submits that if the order is to be taken as appealable one by the respondents, then the petitioners would prefer an appeal; in accordance with statutory provisions. It is further submitted that since the petitioners have been prosecuting their matter before the High Court, therefore, any delay in filing of the appeal be ordered to be condoned and the petitioners be permitted to withdraw the present writ petition with liberty to file the statutory appeal.

In view of the above, the present petition is dismissed as withdrawn with liberty to avail the statutory remedy of appeal.

It is further ordered that in case the appeal is filed within three weeks from today, then the same shall be taken to have been filed well within the limitation period and the statutory authority shall decide the same on merits, in accordance with law. Further, the protection granted by the Court vide order dated 14.9.2020, shall continue for a period of ten days from today only. However, the extension of the interim protection shall not be taken as any expression of opinion on merits of the case by this Court.

(RAJBIR SEHRAWAT)
JUDGE

23.11.2020
Ashwani

Speaking/Reasoned : Yes/No
Reportable : Yes/No

ASHWANI KUMAR
2020.11.23 17:59
I attest to the accuracy and
integrity of this document