

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

CWP-635-2021(O&M)

Date of Decision: 21.01.2021

Dr.Anil Kumar Garg

..... Petitioner

versus

Union of India and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present: Mr. Pawan Kumar Hooda, Advocate for the petitioner.

Mr.Dheeraj Jain, Senior Counsel, UOI
for respondents No. 1 and 2.

TEJINDER SINGH DHINDSA, J. (ORAL)

This case has been taken up through Video Conferencing via Webex facility in the light of Pandemic Covid-19 situation and as per instructions.

The instant petition had come up for preliminary hearing before this Court on 12.01.2021 and the following order was passed:-

“ Matter has been taken up through Video Conferencing via Webex facility in the light of the Pandemic Covid-19 situation and as per instructions.

Challenge in the instant petition is to a notice dated 01.07.2020 issued by the Municipal Corporation, Pathankot (Annexure P-10) on the subject of sealing of unauthorized construction wherein the petitioner is running a Neuro Hospital.

It is the contention made by counsel that Union of India has already instituted a suit for permanent injunction against

the present petitioner as regards the same very construction which is alleged to be within the prohibited area of 1000 sq. yards of the Ammunition Depot and such suit was dismissed. Thereafter, Union of India preferred an appeal before the first appellate Court in which apart from the petitioner herein, the Municipal Corporation, Pathankot is also a party and it is during the pendency of the appeal that the impugned notice dated 01.07.2020 (Annexure P-10) was issued. Further submission raised is that the first appellate Court having been informed with regard to issuance of notice dated 01.07.2020, a stay had been granted.

Counsel is directed to place on record copy of the order passed by the learned Additional and Sessions, Judge, Pathankot granting an interim order in favour of the petitioner with regard to the notice dated 01.07.2020 issued by the Municipal Corporation, Pathankot.

Needful be done within a period of one week.

List on 21.01.2021.”

Copy of the order passed by the Additional Sessions Judge, Pathankot granting an interim order in favour of the petitioner with regard to the impugned notice dated 01.07.2020 as had been asserted on the previous date of hearing has not been placed on record.

During the course of resumed hearing today counsel seeks withdrawal of the writ petition. He submits that there was some communication gap between him and the local counsel and on account of which the petition itself may have to be redrafted.

Request for withdrawal of the petition has been made with liberty to file a petition afresh with better particulars.

Prayer is allowed.

Dismissed as withdrawn with the liberty as prayed for.

(TEJINDER SINGH DHINDSA)
JUDGE

21.01. 2021
sunita

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No