

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

**CRM-M-17995-2020**

**Date of Decision:-11.05.2022**

**Avtar Singh & Ors.**

.....Petitioners.

Vs.

**M/s Jatin Agro & Ors.**

.....Respondents.

**CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI**

Present:- None for the Petitioners.

Mr. Malkiat S. Hundal, Advocate for  
Mr. Anuj Dewan, Advocate for respondent no.5.

Mr. Abhinav Gupta, Advocate for respondent no.6.

Mr. K.K. Gupta, Advocate for respondent no.7.

\*\*\*

**JASJIT SINGH BEDI, J.(ORAL)**

The prayer in this petition under Section 482 Cr.PC is for quashing of the impugned order dated 23.06.2020 (Annexure P-6) passed by the learned Additional Sessions Judge, Patiala in revision petition no.86 of 2019 titled as M/s Jatin Agros Vs. Avtar Singh & Ors. revision petition no.94 of 2019 titled as Department of Food Supplies and Consumer Affairs Vs. Avtar Singh and Others and revision petition no.95 of 2019 titled Food Corporation of India through its Divisional Manager Vs. Avtar Singh and Others whereby the learned Additional Sessions Judge, Patiala has wrongly and illegally set aside the order of the SDM, Patiala and remanded the case back to the said court.

The brief facts of the case are that the petitioners filed a petition under Section 133 of Cr.PC on 7.8.2019 against the respondents in the court of the SDM, Patiala for the removal of nuisance created by the respondents by running a godown in the residential area of village Main, Tehsil and District Patiala and to pass appropriate orders to shut down the godown illegally constructed by the respondent no.1. It was further prayed that the respondents had caused great nuisance by running their godowns illegally and such godowns were a home for breeding insect namely rice weevils and grain beetles (susri), which was posing a great threat to the public of village Main and the nearby adjoining villages namely Dudhar, Swajpur and village Bhanri of District Patiala. Pursuant to the hearing accorded to both the parties the SDM made a spot inspection and called for a report from a three member committee and thereafter passed a detailed speaking order on 21.08.2019 directing the respondents nos.5, 6 & 7 to take away their stock lying in the godown within 15 days from the date of passing of the order and to shift the same.

Feeling aggrieved against the order dated 21.08.2019, respondent nos.1, 6 & 7 filed three separate revision petitions bearing Criminal Revision No.86 of 2019 filed by respondent no.1, Criminal Revision No.94 of 2019 filed by respondent no.6 and Criminal Revision No.95 of 2019 filed by respondent no.7 in the court of learned Additional Sessions Judge, Patiala. All the three petitions were clubbed together by the court of Additional Sessions Judge and vide consolidated order dated 23.06.2020 all the three petitions were allowed by the court of Additional Sessions Judge and the matter was remanded back for a fresh consideration by the SDM.

Against the said order of remand, the present petition came to be filed in which notice regarding stay was issued on 09.07.2020 but no stay was granted by this Court.

Today the Court has been informed that since the matter had been remanded back for fresh adjudication by the SDM, Patiala by virtue of the impugned order Annexure P-6, the SDM, Patiala passed a fresh order on 16.12.2020, a copy of which has been shown and placed on the record today by the counsel for respondent no.7-FCI.

Since as per the impugned order Annexure P-6 passed by the ADJ, Patiala the case was remanded back for fresh adjudication on merits to the Court of SDM, Patiala, the fresh adjudication having taken place and an order dated 16.12.2020 having been passed, the challenge to the impugned order dated 23.06.2020 (Annexure P-6) does not survive. Therefore, the present petition has been rendered infructuous

Disposed of.

( JASJIT SINGH BEDI )  
JUDGE

May 11, 2022  
Vinay

|                                  |               |
|----------------------------------|---------------|
| <i>Whether speaking/reasoned</i> | <i>Yes/No</i> |
| <i>Whether reportable</i>        | <i>Yes/No</i> |