

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

109

CRM-M-21009-2022 (O&M)

Date of decision: 11.10.2022

KARAN AVTAR KAPIL AND ORS

....Petitioners

Versus

THE DEPUTY COMMISSIONER AND ORS

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Ritesh Aggarwal and Mr. Ripu Daman, Advocates for
Mr. Sunil Mallan, Advocate,
for the petitioners.

Mr. Kamalpreet Singh Bawa, AAG Punjab.

AMAN CHAUDHARY. J. (ORAL)

Present petition has been filed for issuance of directions to the respondent Nos.1 to 3 for deciding the representation dated 17.09.2020 and 24.03.2022 (Annexures P-1 and P-2) and quashing the order passed by respondent No.2 dated 10.10.2021 (Annexure P-3)

This Court vide order dated 17.05.2022, passed the following order:-

In this petition, petitioner Nos.1 & 2, who claim to be the President of Malwa Prantiya Brahmin Sabha & Sanskrit Maha Vidyalaya and the President of Sub Committee President (Temple), Malwa Prantiya Brahmin Sabha & Sanskrit Maha Vidyalaya, have inter alia prayed for quashing of order dated 10.10.2021 passed by respondent No.2-Sub Divisional Magistrate, Maur whereby the Tehsildar, Maur has been appointed as Receiver for managing the affairs of the Sabha.

Sh. B.S. Sewak, Addl.AG, Punjab, who is present in Court, states that against order dated 10.10.2021 of the learned SDM, Maur, a revision has already been filed before the learned Addl. District Judge, Bathinda wherein petitioners

are made as party respondents. It is contended that the present petition is not maintainable. He, however, prays for some time to have instructions.

Adjourned to 20.07.2022.

Learned State counsel submits that the order dated 10.10.2021 (Annexure P-3), whereby the Receiver was appointed, has been challenged by the Malwa Prantiya Brahmin Sabha & Sanskrit Maha Vidyalaya, Maisarkhana through its President, which is now pending. He further submits that the present petition is not maintainable inasmuch as the petitioner has remedy to also challenge the same before the Additional District Court, which has not so been done. He therefore prays that the present petition may be dismissed as not maintainable.

Faced with this, learned counsel for the petitioner prays for withdrawal of the petition with liberty to lay a challenge to the same before the appropriate Court.

Dismissed as withdrawn with the liberty as aforesaid.

(AMAN CHAUDHARY)
JUDGE

October 11, 2022

S.Sharma(syr)

<i>Whether speaking/reasoned</i>	:	<i>Yes/No</i>
<i>Whether reportable</i>	:	<i>Yes/No</i>