

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

CWP No.19414 of 2022

Date of Decision: 27.09.2022

Parveen Kumar Ahuja & Anr.

.....Petitioners

Versus

State of Haryana and Ors.

.....Respondents

CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

HON'BLE MR. JUSTICE LALIT BATRA

Present: Mr. U.K Agnihotri, Advocate with
Ms. Anshul Agnihotri, Advocate for the petitioners.

Mr. Deepak Sabherwal, Advocate for the respondents-HSVP.

HARINDER SINGH SIDHU, J

Petitioner has assailed order dated 05.07.2022 (P.6) whereby his application for restoration of the revision petition, which was dismissed in default vide order dated 30.06.2021, has been dismissed.

When the case came up for hearing on 31.08.2022, following order was passed by this Court;

“Order dated 05.07.2022 (P.6) appears to be a communication of the order of the Additional Chief Secretary, Department of Town and Country Planning. Sh. Deepak Sabherwal, Advocate for the respondents-HSVP, who is present in Court, is requested to ascertain as to whether any separate order has been passed by the Additional Chief Secretary to Government of Haryana, Town & Country Planning Department, Chandigarh on the restoration application of the petitioner. List on 27.09.2022.”

Mr. Sabherwal, on instructions, states that no separate order has

been passed by the Addl. Chief Secretary on the restoration application of the petitioner. However, the communication (P.6) was approved by the Addl. Chief Secretary on the noting sheet of the revision file.

We are of the view that once formal restoration application was filed, the Addl. Chief Secretary was required to hear the same and pass appropriate order after hearing the petitioner.

In view thereof, present petition is allowed. Order dated 05.07.2022 (Annexure P.6) is quashed. The Addl. Chief Secretary may pass appropriate order on the restoration application of the petitioner, in accordance with law after hearing the petitioner.

Petitioner may appear before the Addl. Chief Secretary on 12.10.2022 or on any other date convenient to respondent No.1.

However, it is made clear that nothing expressed hereinabove shall be construed to be an opinion on the merits of the case.

(Harinder Singh Sidhu)
Judge

September 27, 2022
manoj

(Lalit Batra)
Judge

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