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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-2853-2017(O&M)

Date of Decision:08.03.2022

RAKESH KATHURIA AND ANOTHERPetitioners

Vs

STATE OF HARYANA AND OTHERSRespondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present:Mr. Abhey Sher Singh, Advocate for
Mr. Akashdeep Singh, Advocate
for the petitioners.

Mr. Vivek Chauhan, Addl. A.G, Haryana.

RAJ MOHAN SINGH, J. (Oral)

Petitioners have preferred this petition for issuance of an appropriate writ in the nature of certiorari or any other appropriate writ, direction or order, quashing the impugned notices.

On 16.02.2017, following order was passed:-

“After hearing learned counsel for the petitioners, it appears that petitioner No.1 and his father petitioner No.2 have got some family dispute with respondent No.3 Dinesh Kathuria who is brother of petitioner No.1 and son of petitioner No.2. Said Dinesh Kathuria appears to have given some complaints regarding unauthorized possession and criminal intimidation before the Commissioner, Gurgaon Division pertaining to some property which is situated in Rohtak. The Commissioner, Gurgaon

Division has asked the petitioners to appear before him. On account of the petitioners having not complied with the said direction vide Annexure P-7, the Commissioner, Gurgaon Division has sent a communication to the Deputy Commissioner, Rohtak to ensure that the petitioners should appear before the Commissioner, Gurgaon Division. A serious objection to the legality and propriety of the exercise of jurisdiction, has been raised. The petitioners have also sent a communication Annexure P-8 to the Commissioner, Gurgaon Division, Gurgaon through an Advocate informing that the complaint of respondent No.3 is false.

It appears that for any wrong committed by the petitioners qua respondent No.3 regarding any property at Rohtak or any incident at Rohtak, the appearance of the petitioners before the Commissioner, Gurgaon Division would be unreasonable. Every action of any authority against any person, should have the sanction of a law or Statute, in case, the said action has got effect of interfering in the life and liberty of a person under Article 21 of the Constitution of India.

Notice of motion for 10.05.2017.

Meanwhile, counsel for the petitioners will place on record neatly typed copies of documents Annexure P-2 to P-5 in double space as per permissible font, within a period of seven days.

(M.M.S. BEDI)

JUDGE”

February 16, 2017

harsha

Learned State counsel on instructions submits that the
impugned action was of the year 2016-17 and no fresh notices

have been issued to the petitioners in any manner, in respect of dispute between the petitioners on one hand and brother of petitioner No.1 i.e. respondent No.3 on other hand. Learned counsel for the petitioners has also verified the status of present notice, if any received by the petitioners after issuance of notice of motion.

Learned counsel for the petitioner submits that petitioners have not received any such fresh notice from respondent No.2.

In view of present status of the case, this writ petition is disposed of. However, liberty is granted to the petitioner that in case fresh notices are received, they may approach this Court afresh, in accordance with law.

08.03.2022
Amandeep

(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No