

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

CWP No. 26868 of 2022

Date of Decision: 23.11.2022

Ram Lubhaya

-Petitioner

Versus

State of Haryana and others

-Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Ashish Jhamb, Advocate,
for the petitioner.

RAJ MOHAN SINGH, J. (Oral)

The petitioner has preferred this writ petition for the issuance of a writ in the nature of certiorari, quashing the order dated 03.11.2022 passed by the respondent No.5.

Perusal of order dated 16.09.2022 passed in CWP No.21191 of 2022 would show that a direction was given to the respondent No.5 to take note of pending application and legal notice got issued by the petitioner and pass an appropriate order in accordance with law.

Perusal of order dated 03.11.2022 passed by Sub Divisional Magistrate, Panipat would indicate that the decision on the representation/legal notice (wrongly mentioned as writ petition) is kept pending till disposal of criminal case against the petitioner.

In my considered opinion, the aforesaid order has been passed on wrong premise. The respondent No.5 could have accepted or rejected the prayer of the petitioner in accordance with law, but keeping the case pending till disposal of the criminal case was not the intention of this Court, while passing the order dated 16.09.2022.

In view of aforesaid, the order dated 03.11.2022 is set aside. Now, the respondent No.5 or any other designated competent authority shall pass a fresh order in compliance of order dated 16.09.2022 within a period of one month from the date of receipt of certified copy of this order.

Disposed of.

23.11.2022

Jyoti Sharma

(RAJ MOHAN SINGH)
JUDGE

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| 1. Whether speaking/reasoned | : | Yes/No |
| 2. Whether reportable | : | Yes/No |