

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

117

CM-6389-CWP-2023;
CM-6390-CWP-2023 &
CM-6391-CWP-2023 in
CWP-2807-2022

Date of decision: 18.04.2023

RAJU AND OTHERS

.....Petitioners

VERSUS

FINANCIAL COMMISSIONER, HARYANA AND OTHERS

.....Respondents

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present:- Mr. Aashish Chopra, Sr. Advocate with
Ms. Gurpreet Randhawa, Advocate
for the petitioners-applicants.

Mr. Pankaj Mulwani, DAG, Haryana.

Mr. Kunal Dawar, Advocate
for respondents No.5 to 13.

VINOD S. BHARDWAJ, J. (Oral)

CM-6389-CWP-2023

The instant application has been filed under Section 151 of the Code of Civil Procedure, 1908 seeking permission to place on record the accompanying application under Section 151 read with Order 23 Rule 1 of the Code of Civil Procedure, 1908 for withdrawal of the aforesaid writ petition along with Annexure P-26.

**CM-6389-CWP-2023; CM-6390-CWP-2023 &
CM-6391-CWP-2023 in CWP-2807-2022**

-2-

Notice of the application

Mr. Pankaj Mulwani, DAG, Haryana accepts notice on behalf of respondent-State.

Mr. Kunal Dawar, Advocate accepts notice on behalf of respondents No.5 to 13 and has no objection to the aforesaid prayer being allowed.

Application is allowed for subject to all just exception and accompanying Annexure P-26 is taken on record.

CM-6390-CWP-2023

The instant application has been filed under Section 151 of the Code of Civil Procedure, 1908 for advancing the date of hearing of the main case which is fixed for 15.05.2023.

Learned counsel appearing on behalf of petitioners-applicants contends that the writ petition is pending adjudication on 15.05.2023 wherein quashing of the order dated 14.12.2021 passed by the Sub Divisional Officer (Civil)-cum-Collector, Badshahpur, Gurugram in appeal bearing No. 16/SDO/C "*Raju and others versus M/S Active Promoters Pvt. Ltd. and others*" alongwith all orders/proceedings carried out by the Assistant Collector, First Grade, Gurugram.

Learned counsel appearing on behalf of the petitioners-applicants contends that during pendency of the writ petition, an amicable settlement has been executed between the petitioners and contesting respondents No.5 to 13 by virtue whereof the petitioners have now agreed to withdraw the present petition. The terms of the

**CM-6389-CWP-2023; CM-6390-CWP-2023 &
CM-6391-CWP-2023 in CWP-2807-2022**

-3-

settlement have been attached. He further contends that he gives up his claim and does not press the present petition against the remaining respondents i.e. respondents No. 14 to 40.

Notice of the application.

Mr. Pankaj Mulwani, DAG, Haryana accepts notice on behalf of respondent-State and Mr. Kunal Dawar, Advocate accepts notice on behalf of for respondents No.5 to 13 and have no objection to the pre-ponement of the date of hearing and for disposing of the same in terms of the settlement executed between the parties.

Application is allowed. Hearing of the main case is pre-pone from 15.05.2023 and the case is taken up on Board today itself.

Dismissed as not pressed at this stage.

CM-6391-CWP-2023

The instant application has been filed under Section 151 of the Code of Civil Procedure, 1908 read with Order 23 Rule 1 of the Code of Civil Procedure, 1908 for withdrawal of the above said Writ Petition in view of settlement Agreement dated 12.04.2023 (Annexure P-26), executed between the petitioners and respondents No.5 to 13.

Learned counsel appearing on behalf of the petitioners-applicants contends that the parties have amicably resolved their issues in the above said partial proceedings and settlement agreement was executed on 12.04.2023 which is appended alongwith the application as Annexure P-26. He submits that the parties have undertaken to remain bound by the above said settlement agreement and he has instructions to withdraw the present writ petition.

**CM-6389-CWP-2023; CM-6390-CWP-2023 &
CM-6391-CWP-2023 in CWP-2807-2022**

-4-

Notice of the application

Mr. Pankaj Mulwani, DAG, Haryana accepts notice on behalf of respondent-State and has no objection for withdrawal of the aforesaid writ petition qua the remaining respondents i.e. contesting respondents No.5 to 13.

Mr. Kunal Dawar, Advocate accepts notice on behalf of for respondents No.5 to 13 and acknowledges the execution of the settlement agreement between the parties on 12.04.2023 and submits that the parties having resolved their issues and executed the settlement agreement shall remain bound by the same.

Mr. Kunal Dawar, Advocate further submits that he has no objection to the writ petition being permitted to be withdrawn.

The present application is allowed.

CWP-2807-2022

In view of the application having been submitted by the petitioners for seeking withdrawal of the writ petition itself, which such an application is duly supported by an affidavit of the petitioner(s) alongwith settlement Agreement dated 12.04.2023 (Annexure P-26), the presnet petition is dismissed as withdrawn.

**(VINOD S. BHARDWAJ)
JUDGE**

APRIL 18, 2023

Vishal sharma

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No