

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

113

CR-1041-2023 (O&M)

DATE OF DECISION: 15.02.2023

ANIL PURI AND OTHERS

... Petitioner (s)

Versus

STATE OF PUNJAB AND OTHERS

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr. Brij Mohan, Advocate
for the petitioners.

ANUPINDER SINGH GREWAL, J. (ORAL)

The petitioners have challenged the impugned order dated 13.12.2022 (Annexure P-2) whereby application for striking off the defence of defendants No.1 & 2 has been dismissed and the impugned order dated 13.12.2022 (Annexure P-4) whereby application filed by the petitioners/plaintiffs for striking off the statement made by the counsel for defendant No.3 on behalf of defendants No.1 & 2, has been declined.

Learned counsel for the petitioners submits that no written statement had been filed on behalf of defendants No.1 & 2, while written statement had been filed only on behalf of defendant No.3. The court had granted several opportunities and at a later stage, a statement had been made by counsel for defendant No.3 that the written statement filed by defendant No.3 is also on behalf of defendants No.1 & 2.

Heard.

The petitioners had filed a suit for mandatory injunction restraining the defendants to rectify/correct the notification No.5/64/2015(2)-3LG2/892201/1 dated 15.12.2016 and to exempt the land as shown in the site

plan marked ‘Z2’ in view of the drawing No.2394/81 pertaining to the property bearing No.23, Anand Avenue falling in Khasra No.347, situated at Tung Bala Urban, Amritsar, and for permanent injunction restraining the defendants from carving out any plot and road or allotting any plots in the land falling in Khasra No.347, Tung Bala, 23 Anand Avenue (Scheme No.61), Amritsar.

The defendant No.1 is the State of Punjab through Secretary, Local Government Department, Punjab, while defendant No.2 is the Additional Chief Secretary, Local Government Department, Punjab and defendant No.3 is the Chairman, Improvement Trust, Amritsar. The defendant No.3 had filed the written statement. Later the counsel for defendant No.3 submitted that the written statement filed by defendant No.3 be adopted on behalf of defendants No.1 & 2 as well.

I do not find any infirmity in the impugned orders declining/striking off the defence. It is entirely up to defendants No.1 & 2 as to whether they want to file a separate written statement or adopt the written statement filed by defendant No.3. Merely on hyper-technical plea taken by the petitioners, defence of defendants No.1 & 2 ought not to be struck off.

Consequently, I do not find any merit in this petition which stands dismissed.

Civil miscellaneous application(s), if any, also stands disposed of.

(ANUPINDER SINGH GREWAL)
JUDGE

15.02.2023
SwarnjitS

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