

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(121)

CWP-3590-2023

Date of decision: - 21.02.2023

Deepak Batra

....Petitioner

Versus

State of Haryana and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Vikram Singh, Advocate
for the petitioner.

Ms. Upasana Dhawan, AAG, Haryana
for respondent No.1.

VIKAS BAHL, J. (ORAL)

This writ petition has been filed under Articles 226/227 of the Constitution of India, for issuance of writ in the nature of mandamus for staying the operation of the sealing order (Annexure P-6) during the pendency of the appeal along with the stay application dated 19.02.2023 (Annexure P-9) filed by the petitioner before respondent No.2 till the decision of the appeal.

Learned counsel for the petitioner has submitted that against the notice/order dated 01.02.2023 (Annexure P-2), the petitioner has filed an appeal alongwith an application for stay on 19.02.2023 by way of an email and on 20.02.2023 physically, before the Municipal Commissioner, Ambala, District Ambala (respondent No.2), but neither the said appeal

alongwith the stay application has been registered, nor the same has been numbered and has prayed that the petitioner would limit his prayer in the present writ petition for direction to respondent No.2 to take up the said appeal alongwith the stay application for preliminary hearing and pass an appropriate order in a time bound manner, in accordance with law.

Keeping in view the above-said facts and circumstances and also in view of the prayer made by the petitioner, the present writ petition is disposed of with a direction to respondent No.2 to take up the appeal alongwith the stay application, which is stated to have been emailed on 19.02.2023 and has been filed physically on 20.02.2023, within a period of one week from the date of receipt of certified copy of this order.

It is made clear that this Court has not opined on the merits of the case and respondent No.2 would take up the matter for preliminary hearing and pass an appropriate order in accordance with law.

It is also made clear that the present order will not ensue to the benefit of the petitioner in case the appeal has not been instituted or there are objections in the filing of the appeal.

February 21, 2023
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No