

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

(269)

CWP-5059-2019

Date of decision: - 03.05.2023

Dewak Ram Hooda

....Petitioner

Versus**State of Haryana and others**

.....Respondents

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Dinesh Arora, Advocate, for the petitioner.

Mr. Rahul Dev Singh, Addl. Advocate General, Haryana.

VIKAS BAHL, J. (ORAL)

1. This writ petition has been filed under Articles 226/227 of the Constitution of India, for the issuance of a writ in the nature of certiorari for quashing the order dated 02.05.2018 (Annexure P-7) passed by the Chief Commissioner (Sale) under Section 8 of the Haryana Evacuee Properties (Management and Disposal) Act, 2008 (for short “Act of 2008”), whereby revision petition filed by the present petitioner has been dismissed.

2. On 26.04.2023, this Court was pleased to pass the following order: -

“Learned State Counsel has submitted that although in para 17 of the writ petition, it has been stated that there is no other alternative, efficacious remedy available to the petitioner but since, the present order has been passed by the Commissioner under Section 8 of the Haryana Evacuee Properties (Management and Disposal) Act, 2008, an alternative remedy is available to the petitioner under Section 9 of

the Haryana Evacuee Properties (Management and Disposal) Act, 2008. Learned counsel for the petitioner prays for a short adjournment to get instructions in the matter.

Adjourned to 02.05.2023.

26.04.2023

**(VIKAS BAHL)
JUDGE”**

3. Learned counsel for the petitioner has submitted that in view of the objections taken by the State counsel, the petitioner be permitted to withdraw the present writ petition with liberty to approach the State Government through Secretary under the provisions of Section 9 of the Act of 2008. It is prayed that the interim order dated 14.03.2019 passed by Co-ordinate Bench of this Court granting status-quo with regard to possession till the time the proceedings are finally decided by the Secretary be continued. It is submitted that the petitioner would file appropriate proceedings under Section 9 of the Act of 2008, within a period of one month from today and further prays that in case of institution of the said proceedings within a period of one month, then, the authorities exercising power under Section 9 of the Act of 2008 be directed not to dismiss the same solely on the ground of limitation since the petitioner has been pursuing the present remedy before this Court.

4. Learned State counsel has submitted that they have no objection to the said course of action, but has prayed that the grant of interim order and continuance of the same should not be construed as an expression on the merits of the case and the Competent Authority under Section 9 of the Act of 2008 should be directed to consider the case independently, in accordance with law.

5. Keeping in view the above-said facts and circumstances, the

petitioner is permitted to withdraw the present writ petition with the following observations: -

- (i) It would be open to the petitioner to move an appropriate application under Section 9 of the Act of 2008 before the State Government through Secretary.
- (ii) In case the said application is filed within a period of one month from today, the Competent Authority under Section 9 of the Act of 2008 would not dismiss the same on the ground of limitation.
- (iii) The interim order dated 14.03.2019 passed by Co-ordinate Bench of this Court would continue till the decision of the case by the Competent Authority under Section 9 of the Act of 2008.
- (iv) The grant of said interim stay and continuance of the same should not be construed as an expression on the merits of the case and the Competent Authority would decide the case under Section 9 of the Act of 2008 independently, in accordance with law.
- (v) In case the petitioner does not approach the Competent Authority within a period of one month from today, then, the interim order granted in favour of the petitioner would be vacated.
- (vi) The Competent Authority is directed to consider the matter and decide the same as expeditiously as possible, preferably, within a period of six months from the date of filing of the said case under Section 9 of the Act of 2008.

May 03, 2023
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No