

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

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**2023:PHHC:065703
CWP-9799-2023 (O&M).
Date of Decision: 08.05.2023.**

SATPAL

..Petitioner

VERSUS

THE STATE OF PUNJAB AND OTHERS

.. Respondents

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

Present Mr. Harsh Chopra, Advocate, for the petitioner.

Mr. Saurav Verma, Addl. A.G. Punjab,
for respondents No.1 and 2.

Mr. H.C. Aurora, Advocate, with
Ms. Sunaina, Advocate, for respondents No.3 and 4.

VINOD S. BHARDWAJ, J. (ORAL)

The instant writ petition had been filed under Article 226/227 of the Constitution of India, for invoking the jurisdiction of quo warranto against appointment of respondent No.5 as Clerk with the Municipal Council, Nawanshahr, in addition to raising a challenge to the order dated 03.08.2021, passed by the respondents whereby the Resolution No.45 dated 19.07.2021 (Annexure P-13) has been approved.

Learned counsel appearing on behalf of respondents No.3 and 4 has informed that the petitioner has not disclosed about the earlier writ petition bearing **CWP No.16377 of 2021** titled as “**Lalit Mohan Vs. State of Punjab and others,**” that had been filed raising a challenge to the aforesaid order. The said writ petition was withdrawn. He further contends that the

present writ petition is, in fact, the same petition through another clerk of the Municipal Council.

Learned counsel for the petitioner seeks withdrawal of the present petition on account of the aforesaid non-disclosure being pointed out with liberty to file a fresh petition on the same cause of action but with better particulars.

Keeping all challenges/objections raised by the learned counsel for respondents No.3 and 4 open, liberty is granted to the petitioner to withdraw the present petition. The issues raised and the objection of forum shopping levelled by the respondents No.3 and 4 shall be examined as and when any fresh petition on the same cause of action is filed.

Disposed of as withdrawn with liberties as aforesaid.

May 08, 2023.
raj arora

(VINOD S. BHARDWAJ)
JUDGE

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