

CWP-5051-2023(O&M)

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2023:PHHC:123090

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CWP-5051-2023(O&M)

Date of decision : 19.09.2023

Sandeep Yadav

... Petitioner

Versus

Dharampal and others

... Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Ravi Kumar Girdhwal, Advocate
for the petitioner.

Ms.Anita Balyan, Advocate
for respondent no.1.

Mr.Amandeep Joshi, DAG, Haryana
for respondent no.4.

VIKAS BAHL, J.(ORAL)

1. This is a civil writ petition filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of certiorari quashing the impugned order dated 13.10.2022 (Annexure P-3) passed by respondent no.4 whereby transfer deed and mutation has been cancelled.

2. On 11.09.2023, this Court was pleased to pass the following order:-

*“Learned counsel for respondent no.4 has submitted that the impugned order is an appealable order. It is submitted that in view of the law laid down by the Hon’ble Division Bench of this Court in **Paramjit Kumar Saroya Vs. Union of India and another**, reported as **2016(3) RCR (Civil) 146**, it is open to any aggrieved person to file an appeal before the Appellate Tribunal.*

Learned counsel for the petitioner prays for a short adjournment to get instructions in the matter.

Adjourned to 19.09.2023.

To be taken up at 11:30 AM.

September 11, 2023”

3. Learned counsel for the petitioner seeks to withdraw the present petition with liberty to file a statutory appeal, in accordance with law but has prayed that interim order dated 14.03.2023 be continued for a period of one month from today so as to enable the petitioner to approach the appellate authority.

4. Learned counsel appearing for contesting respondent has submitted that they have no objection to the same but any further continuance of stay order beyond the period of one month should be independently considered by the appellate authority and the order of stay granted favour of the petitioner for a period of one month should not be construed as an expression on the merits of the case.

5. In view of the statement made by learned counsel for the petitioner, the present petition is dismissed as withdrawn with liberty to file a statutory appeal before the appellate authority with the following directions:-

i) In case the petitioner files a statutory appeal within a period of one month from today, the order of stay granted by a coordinate Bench of this Court on 14.03.2023 would continue upto 19.10.2023.

ii) The appeal so filed by the petitioner would be decided by the appellate authority on merits and would not be dismissed solely on the ground of limitation, if filed within a period of one month from today.

iii) The further continuance of the stay order beyond 19.10.2023 would be independently considered by the appellate

authority and the grant of the stay order passed by this Court or its continuance should not be taken to be an expression on merits of the case.

iv) The appellate authority would decide the appeal independently, in accordance with law, after hearing all the relevant parties.

6. Pending miscellaneous application, if any, stands disposed of in view of the abovesaid order.

(VIKAS BAHL)
JUDGE

September 19, 2023
Davinder Kumar

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