

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

(112)

2023:PHHC:055248
CRM-M-12899-2023
Date of Decision: 20.04.2023

Jagdish

--Petitioner

Versus

State of Haryana & others

--Respondents

CORAM:- HON'BLE MR. JUSTICE RAJESH BHARDWAJ.

Present:- Mr. Vikas Bishnoi, Advocate for the petitioner.

RAJESH BHARDWAJ.J (Oral)

The present petition has been filed under 482 Cr.P.C praying for issuance of directions to respondents no.2 and 3 to cancel/set aside Rapat No.90 dated 21.11.2007 vide which the share of the petitioner was attached by the revenue authorities.

Learned counsel for the petitioner submits that there was a matrimonial dispute between the petitioner and respondent no.4 on account of which the land of the petitioner was attached for non-payment of maintenance awarded to respondent no.4. He submits that thereafter both the parties entered into compromise and the petition filed by respondent no.4 was withdrawn, however, land of the petitioner remained attached which is evident from the impugned rapat. Counsel submits that petitioner approached the concerned Deputy Commissioner, who rejected his representation vide order dated 21.10.2022 observing that there is no such order justifying the attachment of the land of petitioner. He further submits that petitioner even approached the learned Principal Judge, Family Court, Fatehabad, who also rejected his petition by observing that there is no order of attachment of the aforesaid land, therefore, no question of releasing the land of the petitioner arises.

Notice of motion.

On the asking of the Court, Mr. B.S. Virk, D.A.G., Haryana accepts notice on behalf of respondents no.1 to 3.

Having heard learned counsel for the parties and after perusing the record, it is apparent that the learned Family Court as well as the concerned Deputy Commissioner have declined the request made by the petitioner for releasing his land by observing that there is no order for attachment of the land. However, counsel for the petitioner submits that land of the petitioner has been attached vide impugned rapat, however, the same has not been produced either before the learned Family Court or the concerned Deputy Commissioner.

In view of the above position, learned counsel for the petitioner prays for withdrawal of the present petition with liberty to approach the concerned authorities again by producing the complete record in support of his contentions.

Prayer is allowed.

Present petition is dismissed as withdrawn with the liberty, as prayed for.

In case the petitioner approaches the concerned authority/court for the redressal of his grievances along with the complete record, the concerned authority/court would deal and decide with the same in accordance with law expeditiously.

(RAJESH BHARDWAJ)
JUDGE

20.04.2023

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Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No