

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

CRM-M-16054-2023

Date of decision : 29.03.2023

Ratinder Singh

.....Petitioner

versus

State of Punjab and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Lalit K. Gupta, Advocate
for the petitioner.

RAJESH BHARDWAJ, J. (Oral)

Prayer in the present petition is for quashing of impugned order dated 22.02.2023 passed by learned Sessions Judge, Gurdaspur vide which the order dated 05.09.2022 passed by learned Sub Divisional Magistrate, Gurdaspur under Section 133 Cr.P.C. has been *set aside* and the matter was remanded back to learned Sub Divisional Magistrate, Gurdaspur with the direction that the authority would be at liberty to proceed further afresh as per the provisions of Code.

Learned counsel for the petitioner *inter alia* contends that the respondents had illegally encroached upon the public land and installed the gate. Though, he has submitted that the learned Magistrate had passed a valid order as in accordance with law, however, after arguing for some time, he fairly submits that he may be allowed to withdraw the present petition with liberty to the petitioner to raise all his grievances before the Sub Divisional Magistrate, Gurdaspur, who has been directed to decide the case afresh. However, he submits that the respondents has encroached upon the public land by installing the gate and the public at large is

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suffering. He submits that keeping in view the agony faced by the public at large, the Magistrate be directed to decide the case expeditiously.

After hearing counsel for the parties and perusing the record, counsel for the petitioner is allowed to withdraw the present petition with liberty as prayed for. However, keeping in view the facts and circumstances of the case, this Court finds the prayer made for disposal of the petition by learned Magistrate expeditiously is genuine. Hence, learned Magistrate is directed to issue notice to both the sides and after hearing both the sides, decide the same expeditiously, preferably, within two months.

(RAJESH BHARDWAJ)
JUDGE

29.03.2023
m. sharma

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