

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CWP-8381-2023

Date of decision : 24.04.2023

Nand Lal

... Petitioner

Versus

Collector & Chairman and others

... Respondents

CORAM: HON'BLE MR.JUSTICE VIKAS BAHL

Present: Mr.A.V.S.Barsat, Advocate and
Mr.Arjun Veer Sharma, Advocate
for the petitioner.

Mr.Abhimanyu Singh, Advocate
for respondent no.3.

VIKAS BAHL, J.(ORAL)

1. This is the civil writ petition filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of certiorari for quashing the order dated 31.08.2022 (Annexure P-1) vide which the transfer deed dated 12.11.2014 of the petitioner has been cancelled and order dated 15.09.2022 (Annexure P-2) vide which the appeal of the petitioner was dismissed in default and the application for restoration of the appeal was dismissed in default vide order dated 23.02.2023 (Annexure P-4).

2. Learned counsel for the petitioner has submitted that the appeal filed by the petitioner against the orders dated 31.08.2022 was dismissed on 15.09.2022 on the first date and immediately on the next date, the petitioner had moved an application for restoration of said appeal which was dismissed in default and vide order dated 23.02.2023 the said application was also dismissed in default. Learned counsel for the petitioner has submitted that he would limit his prayer for setting aside the orders dated

Nagar to consider the appeal of the petitioner afresh.

3. Learned counsel for respondent no.3 has submitted that he has no objection in case the orders dated 15.09.2022 and 23.02.2023 are set aside and the matter is heard afresh but the petitioner be directed to pay costs for the harassment caused to respondent no.3 on account of unnecessary delay.

4. Learned counsel for the petitioner, in rebuttal, has submitted that he is ready to pay Rs.12,000/- on or before the next date of hearing and the same has been accepted by learned counsel for respondent no.3.

5. Keeping in view the above said facts and circumstances, the present petition is partly allowed and the orders dated 15.09.2022 and 23.02.2023 are set aside and respondent no.1 is directed to decide the appeal filed by the petitioner on merits, in accordance with law, after hearing all the parties concerned. The same would be subject to the petitioner preparing a demand draft of an amount of Rs.12,000/- in the name of respondent no.3 and after presenting the same to learned counsel for respondent no.3 on the date when the matter would be taken up by respondent no.1 for a fresh decision.

6. It is made clear that in case the petitioner does not comply with the above said condition, the petition would be deemed to have been dismissed.

7. It is further made clear that this Court has not opined on the merits of the case and respondent no.1 would consider the case independently, in accordance with law.

(VIKAS BAHL)
JUDGE

April 24, 2023

Davinder Kumar