

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(252)

CWP-8999-2023 (O&M)

Date of decision: - 30.05.2023

Melody Agro Tech

....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Amit Jhanji, Senior Advocate,
with, Ms. Eliza Gupta, Advocate and
Mr. Mrigank Sharma, Advocate
for the petitioner.

Mr. Karan Puggal, DAG, Punjab.

Mr. Ashish Aggarwal, Senior Advocate
with Mr. Karan Singla, Advocate
for respondents No.5 to 8.

Mr. Aftab Singh Khara, Advocate
for respondent No.9.

VIKAS BAHL, J. (ORAL)

CM-9441-CWP-2023

1. This is an application filed under Section 482 Cr.P.C. for preponement of main case, which is stated to be fixed for 10.07.2023.

2. For the reasons mentioned in the present application, the same is allowed and the main case is preponed from 10.07.2023 to today.

CWP-8999-2023

1. Present writ petition has been filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of certiorari

for quashing the orders dated 06.04.2013 (Annexure P-12) passed by respondent No.2 vide which the appeal filed by respondent No.5 has been transferred from the Court of respondent No.2 to the Court of respondent No.3 on an application (Annexure P-13) filed by respondent No.5.

2. During the course of arguments, in order to amicably resolve the matter, without getting into the claims and counter claims, a consensus has been arrived at between the petitioner and the private respondents and it has been jointly submitted by learned Senior counsel for the petitioner as well as learned Senior counsel appearing on behalf respondents No.5 to 8 and learned counsel for respondent No.9 that the appeal filed by respondents No.5 (Annexure P-7) be transferred to the Collector, Fatehgarh Sahib and the impugned order be set aside/modified to the said extent.

3. Keeping in view the above-said facts and circumstances and the consensus arrived at between the petitioner and the contesting respondents, the impugned order is set aside/modified to the extent that the appeal (Annexure P-7) filed by respondent No.5 against the order dated 20.01.2023, passed by the Assistant Collector 1st Grade, Rajpura, sanctioning mutation No.3022 of village Rajgarh, is transferred to the Collector, Fatehgarh Sahib.

4. The parties are directed to appear before the Collector, Fatehgarh Sahib on 06.06.2023.

5. The Collector, Fatehgarh Sahib would decide the case independently, in accordance with law, after considering all the arguments raised by counsel for the petitioner as well as learned counsel

for the contesting respondents. The Collector, Fatehgarh Sahib would decide the matter uninfluenced by the observations made in the impugned order and also the allegations/counter allegations made by the petitioner and private respondents.

6. Liberty is granted to the parties to move any application in accordance with law before the Collector, Fatehgarh Sahib.

7. It is made clear that this Court has not opined on the merits of the case.

8. Pending application(s), if any, stand disposed of in view of the above.

May 30, 2023
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No