

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CWP-9460-2023

Date of decision : 05.05.2023

Jaspreet Singh

... Petitioner

Versus

State of Punjab and others

... Respondents

CORAM: HON'BLE MR.JUSTICE VIKAS BAHL

Present: Mr.Jatinder Singh Mundi, Advocate for the petitioner.
Mr.Ferry Sofat, Addl.A.G. Punjab for respondents no.1 to 5.
Mr.Sherry K. Singla, Advocate for caveator-respondent no.6.

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 20.03.2023 (Annexure P-9) passed by respondent no.1 whereby the matter has been remanded to respondent no.3 to decide the matter afresh.

2. Learned counsel for the petitioner has submitted that since the matter has been remanded to the Collector to decide afresh, thus, the petitioner would not press the present writ petition and prays that liberty be granted to the petitioner to raise all the pleas, which have been raised in the present writ petition, before the Collector. It is prayed that the Collector be directed to pass a fresh order after the remand as expeditiously as possible, preferably within a period of one month from the date of receipt of the certified copy of the present order. It is further submitted that the petitioner is working and he be permitted to work for the period till the Collector decides the matter and the petitioner would not claim any benefit for

working during the said period before the Collector.

3. Learned counsel for respondent no.6 has submitted that he be permitted to raise all the pleas, which are available to him, before the Collector and has submitted that the direction of permitting the petitioner to continue to work till the decision of the Collector, should not be construed as an expression on the merits of the case and the Collector would decide the case afresh independently, in accordance with law.

4. Keeping in view the above said facts and circumstances, the petitioner is permitted to withdraw the present petition with liberty to take up all the points, which have been raised in the present petition, before the Collector. It would be open to respondent no.6 also to raise all the pleas available to him before the Collector and the Collector would pass a fresh decision after taking into consideration the pleas raised by all the concerned parties, in accordance with law, as expeditiously as possible, preferably within a period of one month from the date of the receipt of the certified copy of the present order. Taking into consideration the submissions made and the fact that no inconvenience should be caused to the public, the petitioner is permitted to continue discharging the duties of Lambardar till the decision of the Collector.

5. It is made clear that grant of said interim order till the final decision of the Collector should not be construed as an expression on the merits of the case and the Collector would decide the case independently, in accordance with law as this Court has not opined on the merits of the case.

(VIKAS BAHL)
JUDGE

May 05, 2023

Davinder Kumar

Whether speaking / reasoned
Whether reportable

Yes/No
Yes/No