

2023:PHHC:076566-DB

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

239

**CWP-13564-2022 (O&M)
Date of Decision : May 25, 2023**

NARINDER SINGH AND ORS

.....Petitioners

VERSUS

FINANCIAL COMMISSIONER HARYANA AND ORS

.....Respondents

**CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR
HON'BLE MR. JUSTICE KULDEEP TIWARI**

Present : Mr. Manoj Kumar Taya, Advocate
for the petitioners.

Mr. Parveen Mehta, DAG, Haryana.

Mr. J.S. Saneta, Advocate
for the respondent No.4.

SURESHWAR THAKUR, J.(ORAL)

1. The learned counsel for the petitioners seeks leave to withdraw the present writ petition.
2. Leave granted.
3. Consequently, the extant writ petition is dismissed as withdrawn. However, liberty is reserved to the petitioners No.2 and 3 to, before the learned executing court concerned, institute an application cast within the provisions of Order 21 Rule 97 CPC. On such an application being filed, before the learned executing court concerned, by the petitioners No.2 and 3, who were not arrayed as defendants before the apposite civil court concerned, thereupon the learned executing court concerned, shall pass a lawful decision thereon. It is also open to the petitioners No.2 and 3 to, most promptly, institute an application only before the learned executing

CWP-13564-2022

2

court concerned, seeking stay of the auction, as has been proposed to be made of the disputed lands, which are stated by the petitioners, to be under their possession. On such an application being filed, the same shall be promptly decided, but in accordance with law. Insofar as, the petitioner No.1 is concerned, since he has not challenged the verdict of eviction passed against him by the learned Collector concerned, through his instituting an appeal thereagainst, before the appellate authority concerned, therefore the said decision made by the learned Collector concerned thus, at this stage acquires binding and conclusive effect. However, liberty is also reserved to the petitioner No.1 to, if now permissible under the law of limitation, rear a statutory appeal against the decision (supra), as made by the learned Collector concerned.

4. All pending application(s) stand disposed of accordingly.

(SURESHWAR THAKUR)
JUDGE

(KULDEEP TIWARI)
JUDGE

May 25, 2023
devinder

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