

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(273)

CWP-15216-2021 (O&M)

Date of decision: - 28.02.2023

Virinder Singh

....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. J.S. Brar, Advocate
for the petitioner.

Mr. Ferry Sofat, Additional Advocate General, Punjab
for respondents No.1 and 2.

Mr. Ranjit Singh Kalra, Advocate
for respondent No.3.

Mr. Baldev S. Sidhu, Advocate
for applicant-proposed respondent No.4.

VIKAS BAHL, J. (ORAL)

This 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 application (Annexure P-2) filed by respondent No.3 to reopen the surplus area File No.291 dated 03.10.1973 of late Baldev Singh decided on 07.05.1976 by the Collector Agrarian (S.D.O. Civil), Bathinda.

On 24.02.2023, this Court was pleased to pass the following order: -

“Learned counsel for respondent No.3 has pointed out that in the present case, the petitioner was seeking to challenge the

application which has been filed by respondent No.3 for reopening the case which has been adjourned sine die and the said application has not yet been decided. It is submitted that even in case the said application is decided by the Deputy Commissioner, even then the order of the Deputy Commissioner is appealable and thus, the writ petition is not maintainable.

Learned counsel for the petitioner prays for an adjournment as the arguing counsel is in some personal difficulty.

Adjourned to 28.02.2023.

To be taken up at 1.45 pm.

24.02.2023

**(VIKAS BAHL)
JUDGE”**

Learned counsel for the petitioner has submitted that in view of the fact that the application (Annexure P-2) is still pending and no final decision has been taken by the Collector Agrarian, Bathinda (respondent No.2) with respect to the application (Annexure P-2), thus, he seeks permission of this Court to withdraw the present writ petition with liberty to take all the pleas, which have been raised in the present writ petition and are available to him in law, before respondent No.2. Learned counsel for the petitioner has further submitted that respondent No.2 be directed to consider all the said pleas and pass an appropriate order in accordance with law.

Learned counsel appearing on behalf of respondent No.3 has also prayed that respondent No.2 be directed to decide the application (Annexure P-2), as expeditiously as possible, after considering the arguments raised by respondent No.3 as well.

Keeping in view the above-said facts and circumstances, the petitioner is permitted to withdraw the present writ petition and accordingly, the present petition is dismissed as withdrawn with liberty to

raise all the pleas which have been raised in the present writ petition and are available to him under law before respondent No.2, where the application (Annexure P-2) is pending and respondent No.2 is directed to decide the said application (P-2) after considering all the arguments raised by both the parties, in accordance with law.

It would also be open to respondent No.3 to raise all the arguments in respect of his application.

As the application (P-2) is pending since 1972, thus, respondent No.2 is directed to decide the same as expeditiously as possible, preferably, within a period of four months from the date of receipt of certified copy of this order.

It is made clear that this Court has not opined on the merits of the case and the application would be considered & adjudicated upon by respondent No.2 independently, in accordance with law.

Pending application, if any, stands disposed of in view of the above-said order.

February 28, 2023
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No