

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(101)

CWP-17595-2019

Date of decision: - 07.02.2023

Balbir Singh

....Petitioner

Versus

State of Haryana and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Sandeep Sharma, Advocate
for the petitioner.

Ms. Upasana Dhawan, AAG, Haryana
for respondents No.1 to 5.

VIKAS BAHL, J. (ORAL)

This writ petition has been filed under Articles 226/227 of the Constitution of India praying for issuance of certiorari for setting aside of impugned order dated 28.03.2019 (Annexure P-1), vide which respondent No.5 has rejected the application for partition proceedings.

Learned State counsel appearing on behalf of respondents No.1 to 5 has raised a preliminary objection with respect to maintainability of the present writ petition and has submitted that the order dated 28.03.2019 (Annexure P-4) passed by the Assistant Collector 2nd Grade, Manesar, is appealable under Section 13 of the Haryana Land Revenue Act, 1887 (for short 'the Act').

Learned counsel for the petitioner has submitted that in view of the said objection, the petitioner be permitted to withdraw the present

writ petition with liberty to file an appeal under Section 13 of the Act against the order dated 28.03.2019 (P-4). It is further submitted that since the petitioner is pursuing his remedy before the writ Court, thus, the limitation may not come in his way for entertaining his appeal and the same be not dismissed on the ground of limitation.

Keeping in view the above-said facts and circumstances, the present writ petition is dismissed as withdrawn, with the liberty to file an appeal against the order dated 28.03.2019 (P-4) under Section 13 of the Act within a period of one month from today.

In case the petitioner files an appeal within a period of one month from today, the same would be considered on merits and would not be dismissed on the ground of limitation by the competent authority as the petitioner was pursuing his remedy before this Court.

February 07, 2023
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No