

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

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**CWP No.10107 of 2018 (O&M)
Date of Decision: 21.02.2023**

Hardev Singh (deceased) through his LRs

..... Petitioner

Versus

Collector Sub Division Barnala and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Gurbir Singh Sidhu, Advocate
for the petitioner.

Mr. Rohit Ahuja, DAG, Punjab
for respondent No.1.

Mr. Abhishek Arora, Advocate
for respondent No.2.

VIKAS BAHL, J (ORAL)

This is a civil writ petition filed under Article 226/227 of the Constitution of India for issuance of a writ in the nature of certiorari for quashing the order of warrant of possession dated 20.03.2018 (Annexure P-1) passed by the Collector Sub Division Barnala.

On 20.01.2023, this Court had passed the following order:-

“Learned Senior counsel appearing on behalf of respondent No.2 has pointed out that in the present case, petitioner Hardev Singh had filed a suit under Section 12 of the Redemption of Mortgages (Punjab) Act, 1913 seeking declaration to the effect that the order dated 27.12.2012 passed by the Sub-Divisional Magistrate, Barnala is illegal and against law and is not binding on the rights of the plaintiffs and with a further prayer against respondent No.2 to the effect that he is not entitled to get possession of the land

measuring 45 kanal 16 marlas. It is pointed out that the application under Order 39 Rules 1 & 2 CPC in the said suit was dismissed vide order dated 15.07.2013 and even the appeal filed by the petitioner has been dismissed. It is further submitted that now even the civil suit filed by the petitioner has been dismissed and the filing of the suit has not been disclosed in the present petition.

Adjourned to 21.02.2023.

To be taken up at 3.30. PM.

Interim order to continue only till the next date of hearing.

It is made clear that in case the petitioner does not argue the matter on the next date of hearing, then, the interim order granted in favour of the petitioner would be liable to be vacated”.

Learned counsel for the petitioner seeks permission of this Court to withdraw the present petition with liberty to file a fresh one after giving full and better particulars and after giving details of the civil litigation including the judgment passed and also annexing the said judgment passed in the litigation.

In view of the statement made by learned counsel for the petitioner, the present writ petition is dismissed as withdrawn with the liberty aforesaid.

However, it is made clear that in case any such writ petition is filed, the same would be considered independently in accordance with law.

All pending miscellaneous applications, if any, shall stands disposed of.

(VIKAS BAHL)
JUDGE

21.02.2023
D.Bansal