

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CWP-18313-2021(O&M)

Date of decision : 24.07.2023

Naresh Kumar and another

... Petitioners

Versus

The District Magistrate, Gurugram and another

... Respondents

CORAM: HON'BLE MR.JUSTICE VIKAS BAHLPresent: Mr.Arpandeep Narula, Advocate
for the petitioners.

Mr.Amandeep Joshi, DAG, Haryana.

Mr.Abhilaksh Grover, Advocate
for respondent no.2.**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 for quashing the order dated 04.08.2021 (Annexure P-9) vide which the petitioners were ordered to vacate the house No.1639, Near Sector 32, Prem Puri (V.P.O. Jharsa Road), Gurugram.

2. Learned State counsel as well as learned counsel for respondent no.2 have raised preliminary objection to the effect that against the order dated 04.08.2021, an appeal is maintainable in view of law laid down by the Hon'ble Division Bench of this Court in ***Paramjit Kaur Saroya vs. Union of India and another*** reported as ***2016(3) RCR 136*** whereas in paragraph 13 of the petition, it has been mentioned that no appeal is maintainable.

of the objection taken and in view of the law laid down by the Division Bench of this Court in the above said judgment, he seeks to withdraw the present petition with liberty to file a statutory appeal. It is prayed that since the petitioners have been pursuing the present writ petition, thus, in case the appeal is filed within a period of one month from today, then the same be not dismissed solely on the ground of limitation.

4. In view of the above, the present petition is dismissed as withdrawn with liberty to the petitioners to file an appeal before the statutory authority, in accordance with law. In case the appeal is filed within a period of one month from today, then the appellant authority would not dismiss the same solely on the ground of limitation.

5. Pending miscellaneous application, if any, shall stand disposed of in view of the abovesaid order.

July 24, 2023

Davinder Kumar

(VIKAS BAHL)
JUDGE

Whether speaking / reasoned	Yes/No
Whether reportable	Yes/No