

CWP-13538-2018

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2023:PHHC:049253

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CWP-13538-2018

Date of decision : 11.04.2023

Harish Chander

... Petitioner

Versus

State of Punjab and others

... Respondents

CORAM: HON'BLE MR.JUSTICE VIKAS BAHL

Present: Mr.Manish Kumar Singla, Advocate
for the petitioner.

Mr.Rohit Ahuja, DAG, Punjab for respondents no.1 and 2.

Mr.G.S.Khokhar, Advocate
for respondent no.3.

VIKAS BAHL, J.(ORAL)

This is a civil writ petition filed under Articles 226/227 of the Constitution of India for issuance of a writ of certiorari for quashing the order dated 30.03.2016 (Annexure P-5).

On 24.03.2023, this Court was pleased to pass the following order:-

“Learned State counsel has submitted that there is a provision of appeal under Section 9 of the Public Premises and Land (Eviction and Rent Recovery) Act, 1973.

There is a written request for adjournment on behalf of learned counsel for the petitioner.

In the interest of justice, adjourned to 11.04.2023.

To be taken up at 1.45 PM.

It is made clear that no further adjournment shall be entertained.

A photocopy of this order be placed on the files of connected cases.

March 24, 2023”

Learned counsel for the petitioner has submitted that in view of the objection raised by learned State counsel, he seeks to withdraw the present petition with liberty to file an appeal under Section 9 of The Punjab Public Premises and Land (Eviction and Rent Recovery) Act, 1973 (in short “the Act”). It is further submitted that since the petitioner was pursuing the present remedy, thus, in case the said appeal is filed within a period of one month from today, then the appellate authority be directed to decide the same on merits and not dismiss the same on the ground of limitation.

In view of the same, the present petition is dismissed as withdrawn with liberty to the petitioner to file an appeal under Section 9 of the Act. In case the petitioner files an appeal within a period of one month from today, then the appellate authority would decide the appeal on merits, in accordance with law, after giving due opportunity to all the parties and would not dismiss the same on the ground of limitation alone.

It is made clear that this Court has not given any opinion on the merits of the case and the appellate authority would consider the appeal independently on its merit, in accordance with law.

(VIKAS BAHL)
JUDGE

April 11, 2023
Davinder Kumar

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