

CR-1944-2021 (O&M)

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

Sr. No.113

**CR-1944-2021 (O&M)
Date of Decision: 02.08.2023**

MUNICIPAL CORPORATION GURUGRAM

....Petitioner

Versus

JAGDISH

.....Respondent

CORAM: HON'BLE MRS JUSTICE ARCHANA PURI

Present:- Mr. B.R.Mahajan, Senior Advocate, assisted by
Mr. Arvind Seth, Advocate
for the petitioner.

Ms. Pratibha Yadav, Advocate
for the respondent.

ARCHANA PURI, J. (Oral)

Challenge in the present revision petition is to the order dated 06.09.2021 (Annexure P-1), passed by learned Lower Appellate Court, whereby the petitioner has been directed to de-seal the illegal and unauthorized shops constructed by the respondent.

During the course of the arguments, it is submitted by learned counsel for the petitioner that notice was affixed on the shop in question, which has been placed at Page 35 of the paper book with the photograph, which is Annexure P-4, relating to the disputed shop. However, the petitioner had also placed on record the photographs of the disputed shop, allegedly under construction, which are four photographs, forming part of Annexure P-11.

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On query by the Court, it was stated that seemingly, the photographs at Annexure P-4 do not relate to the photographs of the shop at Annexure P-11. Moreover, it also does not tally with the shop of the respondent, depicted in the photographs at Annexure R-4.

In the given circumstances, it has also been submitted by learned counsel for the petitioner that the shop has already been de-sealed and if so permitted, the petitioner shall withdraw the present revision petition and shall conduct the proceedings relating to the demolition against the respondent, as well as the other persons in the vicinity, similarly placed, in accordance with law, after due service of the notice, if need so arises.

On having pin-pointed by learned counsel for the respondent, learned counsel for the petitioner also submitted that FIR No.652 dated 11.11.2022, copy whereof is Annexure P-15, has also been registered against the respondent. However, in pursuance of the withdrawal of the proceedings in hand, appropriate steps shall be initiated for seeking disposal of the criminal case relating to the said FIR, in the manner, as required under law.

This submission is also acceptable to learned counsel for the respondent.

In the light of the same, learned counsel for the petitioner, has given a statement that, at this stage, he does not want to pursue with the present revision petition and seeks permission of the court to withdraw the same.

Ordered accordingly.

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In the light of the aforesaid, even learned counsel for the respondent has given a statement that at this stage, she is ready to withdraw the suit pending before learned Lower Court and the fresh proceedings may be conducted, if so required, at the instance of the petitioner, in accordance with law.

Learned counsel for the respondent has also given an undertaking to withdraw the suit pending before learned Lower Court, on the next date of hearing. In pursuance of the appearance of counsel for the respondent before learned Lower Court, the concerned Court shall proceed in accordance with the statement made by learned counsel for the petitioner.

In the given circumstances, on account of withdrawal of the revision petition, as well as the suit before learned Lower Court, the parties concerned shall initiate appropriate proceedings for disposal of the FIR, in view of the settlement, so reached.

In view of the aforesaid, the present revision petition is hereby disposed of.

02.08.2023
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(ARCHANA PURI)
JUDGE

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