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

CWP-19942-2019

Date of decision: 05.09.2023

Sandeep Kumar Chopra

...Petitioner

Versus

Sub Divisional Magistrate, Kurukshetra and others

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Raghav Sharma, Advocate for the petitioner.

Mr. Amandeep Joshi, DAG, Haryana
for respondent No.1.

Mr. Jatinder Singh Gill, Legal Aid Counsel
Advocate for respondent No.2.

VIKAS BAHL, J. (ORAL)

1. This is a Civil Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ in the nature of certiorari for quashing the order dated 12.06.2018 (Annexure P-6) and all the subsequent proceedings arising therefrom passed by the SDM, Kurukshetra under Section 5 of the Senior Citizens Act.

2. On 21.08.2023, this Court had passed the following order:-

*“Learned State counsel has submitted that in view of the law laid down by the Hon’ble Division Bench of this Court in **Paramjit Kumar Saroya Vs. Union of India and another**, reported as **2016(3) RCR (Civil) 146**, the order dated*

12.06.2018 is appealable at the instance of the petitioner also.

Learned counsel for the petitioner prays for a short adjournment to get instructions in the matter.

Adjourned to 23.08.2023.

To be taken up at 12:00 noon.

It is made clear that no further adjournment would be granted.”

3. Learned counsel for the petitioner has submitted that in view of statement made by learned State Counsel, he seeks permission of this Court to withdraw the present Civil Writ Petition with liberty to the petitioner to file statutory appeal in accordance with law. It is further submitted that since, the petitioner was pursuing the present remedy thus, in case the petitioner files statutory appeal within a period of one month from today then the Appellate Authority be directed not to dismiss the same solely on the ground of limitation.

4. Learned counsel for the respondents has submitted that he has no objection to the said course of action.

5. In view of the above, the present Civil Writ Petition is dismissed as withdrawn with liberty to the petitioner to file statutory appeal.

6. It is made clear that in case the appeal is filed within a period of one month from today then the Appellate Authority would not dismiss the same solely on the ground of limitation.

05.09.2023

Pawan

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No