

104-4

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

**CWP No.17853 of 2018
Date of Decision: 22.12.2023**

Malkit Singh

..... Petitioner

Versus

State of Punjab and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Avtar S. Khinda, Advocate
for the petitioner.

Ms. Akshita Chauhan, DAG, Punjab.

Mr. P.I.P. Singh, Advocate
for respondents No.3 and 4.

RAJESH BHARDWAJ, J. (ORAL)

Present writ petition has been filed for directing the respondents not to arrest the petitioner in view of the notice dated 28.05.2018 (Annexure P-1). Further prayer has been made for directing the respondents to proceed against the petitioner in accordance with law established by the Punjab Legislature in Section 12 of the Punjab Cooperative Land Mortgage Act, 1957.

It has been submitted by learned counsel for the petitioner that the award against the petitioner was passed under Sections 55 and 56 of the Punjab Cooperative Land Mortgage Act, 1957 (for short, 'the Act'). He submits that as per Section 68(1)(h) of the Act, there is a specific provision for filing an appeal against the same but the petitioner, instead of challenging the award by way of filing an appeal, has approached this Court by impugning the arrest warrants. He submits that in view of the

same, the present petition is not maintainable. He has further submitted that petitioner owes Rs.4,76,135/- as on 28.05.2018.

In view of the above-mentioned facts, this Court does not find any ground for interference in the impugned order. However, as the case has remained pending adjudication before this Court since the year 2018, keeping in view the facts and circumstances of the case, the present petition is disposed of with a direction that in case the petitioner files any appeal before the competent authority within two weeks from the date of receipt of certified copy of this order, warrant of arrest issued against him would remain in abeyance. Needless to say that if the petitioner does not file any appeal within the stipulated period, this order would have no avail to him. It is further directed that the competent authority would deal with appeal and decide the same by passing a speaking order, in accordance with law.

However, counsel for the petitioner submits that limitation issue would come in his way for availing the alternative remedy.

Keeping in view the above submissions, it is directed that the competent authority would take into consideration the limitation period, in the light of Section 14 of the Limitation Act, and take the decision accordingly, by keeping in view of the fact that the petition remained pending before this Court.

(RAJESH BHARDWAJ)
JUDGE

22.12.2023

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