

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

CWP-19878-2021 (O&M)

Date of decision : 14.12.2023

Ashwani Kumar

.....Petitioner

versus

State of Punjab and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Rajesh Verma, Advocate
for the petitioner.

Mr. Arun William, A.A.G., Punjab.

Mr. G.S. Attariwala, Sr. Advocate with
Mr. Saurabh Singh, Advocate,
Mr. Ghulam Nabi Malik, Advocate and
for respondent no.2.

Mr. Rahul Bhargava, Advocate
for respondent No.3.

RAJESH BHARDWAJ, J. (Oral)

Learned counsel for the petitioner prays for withdrawal of the present petition with liberty to approach the statutory authorities under Section 225 of the Punjab Municipal Act, 1911.

However, learned Senior counsel for respondent No.2- Municipal Council has submitted before this Court that in this case respondent No.3 (Company) had already given his undertaking vide order dated 03.03.2022 to clear the entire outstanding amount within a period of next 14 days but till date he has not deposited the same. He submits that total outstanding amount towards respondent No.3, as of now, is Rs.11,88,32,368/-. He submits that the right of respondent No.2- M.C. be kept intact for recovering the amount from respondent No.3. Evidently,

the counsel for the petitioner has submitted before this Court to withdraw this petition with liberty to avail alternative statutory remedy.

Allowed as prayed for.

However, it is made clear that the rights of respondent No.2-M.C. for the recovery of the amount due would remain intact by withdrawal of this petition. The undertaking given by respondent No.3 before this Court is not nullified.

The parties would be at their liberty to pursue their further remedies in accordance with law. In case the petitioner files the alternative appeal as submitted before this Court, the authority concerned would hear both the parties and decide the case in accordance with law.

(RAJESH BHARDWAJ)
JUDGE

14.12.2023
ps-I

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