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

CWP-22979-2017 (O&M)

Date of decision : 21.03.2023

Gram Panchayat, Gailpur

...Petitioner

Versus

Commissioner, Faridabad Division, Faridabad and others

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Aditya Jain, Advocate for the petitioner.

Mr. Rajneesh Chadwal, AAG, Haryana
for respondent Nos.1 and 2.

Mr. Ravinder Hooda, 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 in the nature of certiorari for quashing the impugned order dated 16.08.2017 (Annexure P-3) passed by the Commissioner, Faridabad Division, Faridabad.

Learned counsel for the respondents have submitted that in the present writ petition, the petitioner has an alternative remedy of filing petition before the Financial Commissioner.

Learned counsel for the petitioner has submitted that in view of the same, he seeks permission of this Court to withdraw the present

Civil Writ Petition with liberty to file an appropriate petition before the Financial Commissioner.

Learned counsel for the petitioner has made two fold prayers, first prayer is that since the petitioner has been pursuing its remedy before this Court since 2017 thus, in case, the petitioner files revision petition before the Financial Commissioner within a period of one month from today then the Financial Commissioner would decide the same on merits and would not dismiss on the ground of limitation. Second prayer is that interim order to the effect that the parties are directed to maintain status quo has been continuing in favour of the petitioner since 15.11.2017 and has prayed that the same be continued for a period of one month from today.

Learned counsel for respondent No.3 has submitted that he has no objection to the said course of action but has prayed that grant of continuing of status quo order should not be construed as an expression on the merits of the case and further continuance of the interim order should depend upon further orders passed by the Financial Commissioner.

Keeping in view the abovesaid facts and circumstances, the present Civil Writ Petition is dismissed as withdrawn with the following observations:-

- i) The petitioner is at liberty to file appropriate petition before the Financial Commissioner and in case, the petitioner files revision petition within a period of one month from today then the Financial

Commissioner is directed to decide the same on merits and not dismiss the same on the ground of limitation.

- ii) Interim order passed by a Coordinate Bench of this Court dated 15.11.2017 to the effect that the parties are directed to maintain status quo would continue for a period of one month from today.
- iii) The grant of interim order and continuance of the same would not be construed as an expression on merits of the case and the Financial Commissioner would decide the case independently on its merits.

All pending miscellaneous applications, if any, shall stand disposed of in view of the abovesaid order.

21.03.2023

Pawan

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No