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

CWP-21537-2021 (O&M)  
Date of decision: 17.11.2023

Balbir Chand

...Petitioner

Versus

District Magistrate-cum-Tribunal and others

...Respondents

**CORAM: HON'BLE MR. JUSTICE VIKAS BAHL**

Present: Mr. Inder Pal Singh, Advocate for the petitioner.

Mr. Kunal Muthreja, AAG, Punjab.

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**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 against the order dated 20.05.2021 passed by respondent No.1.

2. On 16.11.2023, this Court had passed the following order:-

*“As per the report of the Registry, respondents no.2 and 3 have been served. No one has appeared on behalf of respondents no.2 and 3.*

*Learned State counsel prays for an adjournment to get instructions as to whether in Kharar, the Sub Divisional Magistrate-cum-Presiding Officer, Maintenance Tribunal has the power to entertain a petition for eviction or the said power is with the District Magistrate or with the Additional District Magistrate.*

*Adjourned to 17.11.2023.*

*To be taken up at 11:30 AM.”*

3. Learned State Counsel has submitted that as per his instructions, an appeal would lie against the impugned order before the concerned District Magistrate.

4. Learned counsel for the petitioner has submitted that in view of the same, he seeks permission of this Court to withdraw the present writ petition with liberty to the petitioner to file statutory appeal. It is further submitted that since, the petitioner had been pursuing the present writ petition thus in case the petitioner files an 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.

5. In view of the above, the present Civil Writ Petition is dismissed as withdrawn with liberty aforesaid.

6. It is made clear that since the petitioner was pursuing the present writ petition thus in case the petitioner files an appeal within a period of one month from today then the Appellate Authority is directed not to dismiss the same solely on the ground of limitation.

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

**17.11.2023**

*Pawan*

**(VIKAS BAHL)  
JUDGE**

**Whether speaking/reasoned:-**

**Yes/No**

**Whether reportable:-**

**Yes/No**