

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CWP-5575-2018

Date of decision : 11.04.2023

Joginder Singh

... Petitioner

Versus

State of Punjab and others

... Respondents

CORAM: HON'BLE MR.JUSTICE VIKAS BAHL

Present: Mr.Manish Kumar Singla, Advocate for the petitioner.
Mr.Rohit Ahuja, DAG, Punjab for respondents no.1 and 2.
None 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 of certiorari for quashing the order dated 30.03.2016 (Annexure P-5).

On 24.03.2023, this Court was pleased to pass the following order:-

“Learned State counsel has submitted that there is a provision of appeal under Section 9 of the Public Premises and Land (Eviction and Rent Recovery) Act, 1973.

There is a written request for adjournment on behalf of learned counsel for the petitioner.

In the interest of justice, adjourned to 11.04.2023.

To be taken up at 1.45 PM.

It is made clear that no further adjournment shall be entertained.

A photocopy of this order be placed on the files of connected cases.

March 24, 2023”

Learned counsel for the petitioner has submitted that in view of the objection raised by learned State counsel, he seeks to withdraw the present petition with liberty to avail alternate remedy under Section 9 of the

Punjab Public Premises and Land (Eviction and Rent Recovery) Act, 1973 (in short “the Act”). It is further submitted that in the present case, stay is operating in favour of the petitioner since 08.03.2018 and thus, prayer has been made that the said interim order be continued for the period of one month so as to enable the petitioner to file an appeal.

Learned State counsel has submitted that the said order of stay should not be construed as an expression on the merits of the case and further continuance of stay after a period of one month would be independently considered by the appellate authority.

Keeping in view the above said facts and circumstances, the present petition is dismissed as withdrawn with liberty to the petitioner to file an appeal under Section 9 of the Act. In case the petitioner files an appeal within a period of one month from today, then the appellate authority would decide the appeal on merits, in accordance with law, after giving due opportunity to all the parties and would not dismiss the same on the ground of limitation. The order dated 08.03.2018 passed by coordinate Bench of this Court granting stay of operation of order dated 30.03.2016, would continue for a period of one month from today. The continuation of stay order or non-continuance of stay order would depend upon further orders passed by the appellate authority.

It is made clear that this Court has not given any opinion on the merits of the case and the appellate authority would consider the continuance of stay as well as decision on the main case independently on its merit, in accordance with law.

(VIKAS BAHL)
JUDGE

April 11, 2023

Davinder Kumar