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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-26416-2019

Date of decision: 03.08.2023

Bhalle Ram

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. R.K. Verma, Advocate for the petitioner.

Mr. Amandeep Joshi, DAG, Haryana,
for respondent Nos.1 to 4.

VIKAS BAHL, J. (ORAL)

1. 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 of order dated 24.01.2014 (Annexure P-1) and order dated 13.03.2014 (Annexure P-2), whereby, recovery of penal rent from the petitioner has been ordered to be made.

2. Learned State Counsel has submitted that in the present case, impugned order was passed by calculating the total penal rent as Rs.1,01,400/- and in view of judgment passed in case bearing No.**CWP-14823-2014** titled as "**Vijay Singh Vs. State of Haryana and others**" **decided on 03.08.2017**, the same has been reduced to an amount of Rs.16,921/-. It is further submitted that in case, an amount of Rs.1,01,400/- is recovered and the petitioner moves a representation for return of the excess money, then, respondent No.2 would consider the said representation

and if, after considering the said representation, respondent No.2 finds that excess money has been deposited by the petitioner then the same would be refunded to him as expeditiously as possible.

3. Learned counsel for the petitioner has prayed that in view of the same, the present writ petition be disposed off with a direction to the respondents to take a decision in a time bound manner.

4. Keeping in view the abovesaid facts and circumstances, the present Civil Writ Petition is disposed of with the following directions:-

- a) The petitioner would move a representation before respondent No.2 giving the details of the money recovered from him and also the details of the amount which is in excess of Rs.16,921/-.
- b) Respondent No.2 would consider the said representation within a period of three weeks from the date of receipt of the said representation and in case, respondent No.2 finds that the excess amount has been paid by the petitioner then the excess amount would be returned to the petitioner within a period of two months thereafter.
- c) In case, respondent No.2 is of the opinion that no amount is to be returned then a speaking order considering the pleas of the petitioner be passed within a period of two months from the date of receipt of certified copy of the present order.

03.08.2023*Pawan***(VIKAS BAHL)
JUDGE****Whether speaking/reasoned:-****Yes/No****Whether reportable:-****Yes/No**