

CWP-25155-2022(O&M)

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2023:PHHC:127583

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CWP-25155-2022(O&M)

Date of decision : 03.10.2023

Daler Singh

... Petitioner

Versus

Sub Divisional Magistrate-cum-Maintenance Tribunal and others

... Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr.Madan Lal Saini, Advocate
for the petitioner.

Mr.Ferry Sofat, Addl.A.G. Punjab
for respondent no.1.

Mr. Rahul Garg, Advocate for
Mr.Naveen Batra, Advocate
for respondent no.2.

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 the impugned order dated 09.06.2022 (Annexure P-4).

2. On 20.09.2023, this Court was pleased to pass the following order:-

*“Learned counsel for the respondents have pointed out that in view of the law laid down by the Hon’ble Division Bench of this Court in **Paramjit Kumar Saroya Vs. Union of India and another**, reported as **2016(3) RCR (Civil) 146**, an appeal lies against the order dated 09.06.2021 but in paragraph 11 of the petition, it is stated that there is no other alternative or efficacious remedy against the said order.*

Learned counsel for the petitioner prays for time to get instructions in the matter.

Adjourned to 28.09.2023.

To be taken up at 11:30 AM.

It is made clear that no further adjournment would be granted.

September 20, 2023”

3. Learned counsel for the petitioner, in view of the above, seeks to withdraw the present petition with liberty to file an appeal, in accordance with law. It is submitted that since the petitioner has been pursuing the present petition, then in case the said appeal is filed within a period of one month from today, the appeal be not dismissed solely on the ground of limitation.

4. In view of the statement made by learned counsel for the petitioner, the present petition is dismissed as withdrawn with the aforesaid liberty and in case, the appeal is filed within a period of one month from today, then the appellate authority would not dismiss the same solely on the ground of limitation.

5. Pending miscellaneous application, if any, stands disposed of in view of the abovesaid order.

(VIKAS BAHL)
JUDGE

October 03, 2023

Davinder Kumar

Whether speaking / reasoned
Whether reportable

Yes/No
Yes/No