

123 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP- 28213 of 2022

Date of decision : 23.01.2023

M/s DD Sales Corp and another

....Petitioners

Versus

State of Haryana and others

....Respondents

***CORAM:- HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH
HON'BLE MR. JUSTICE VIKRAM AGGARWAL***

Present: Mr. Vikram Singh, Advocate
for the petitioners.

Mr. Deepak Bhardwaj, DAG, Haryana.

Mr. Anand Chhibbar, Sr. Advocate and
Mr. Amit Jhanji, Sr. Advocate with
Mr. Ateev Raj Sandhu, Advocate,
Ms. Eliza Gupta, Advocate and
Ms. Khyati Avnish, Advocate
for the respondents/Caveators.

AUGUSTINE GEORGE MASIH, J. (ORAL)

The primary grievance of the petitioners, as has been pointed out by the learned counsel for the petitioners and has been argued by him, is that with the Letters Patent Appeal No.2129 of 2016 having been allowed by the Division Bench of this Court on 08.04.2021 and the remand of the case back to the learned Single Judge for decision afresh resulted in restoration of not only the writ petition to its original number but restoring the interim order as has been passed by the learned Single Judge wherein *status quo* with regard to possession was ordered to be maintained during the pendency of the writ petition.

The writ petition admittedly is still pending and *CM-12038-CWP-2021 titled as M/s Chandra Auto Engineers Pvt Ltd. Vs. State of Haryana and others* was preferred by the petitioner which was disposed of by the learned Single

Judge vide order dated 13.09.2021 which reads as follows:-

“This application has been filed for listing of the case after restoration of the writ petition to its original number and for directions that interim order dated 01.07.2014 stands revived.

Vide judgment dated 09.05.2016, this writ petition and connected cases were decided. Letter Patent Appeal filed by the private respondent has succeeded. Order of the learned Single Judge has been set aside and the matter has been remanded for a fresh decision.

In view of the above, the writ petition already stands restored to its original number. As a corollary, all legal consequences on account of restoration of the writ petition shall flow. There is no need for passing a direction for restoration.

So far as listing of the matter is concerned, considering the fact that limited hearing is in progress, no orders can be passed. The applicant may apply for the same after physical hearing is restored completely.

The application has no merit and is dismissed.”

A perusal of this order leaves no manner of doubt that learned Single Judge has acknowledged the fact that the interim order with regard to *status quo* possession to be maintained by the parties subjudice.

Learned counsel for the petitioners has sought to project as if while granting renewal of the licence the order passed by the learned Single Judge relating to *status quo* of possession to be maintained having been violated. This assertion of the counsel for the petitioners is misplaced as there is nothing which has been brought on record which would indicate that the possession has changed hands at the level of the respondents to any of the parties by them. What has only been granted is renewal of the licence, which is by and large, a paper transaction.

As far as the physical possession is concerned, the same remains intact with the parties as it existed at the time of passing of the order of *status quo* by this Court. This being the position we are of the view that no interference in the

writ petition is called for except for observing that in case the petitioners are so advised they may move an appropriate application before the learned Single Judge for listing of the writ petition and disposal thereof.

Learned Senior counsel for the respondents have very fairly stated that they have no objection to the listing and hearing of the main case before the learned Single Judge.

The writ petition stands disposed of accordingly.

**(AUGUSTINE GEORGE MASIH)
JUDGE**

23.01.2023
R.sharma

**(VIKRAM AGGARWAL)
JUDGE**

Whether speaking/reasoned : *Yes/No.*
Whether reportable : *Yes/No.*