

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

CWP-26110-2023

Decided on 20.11.2023

Akshay Kumar

... Petitioner

Versus

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Jagraj Singh Khiva, Advocate, for the petitioner.

RAJESH BHARDWAJ, J.

Prayer in the present petition is for quashing the impugned notice/letter No.2555/Bathinda dated 19.10.2023 (Annexure P-3) as well as impugned notice/letter No.2637/Bathinda dated 27.10.2023 (Annexure P-5) whereby respondent No.4 summoned the petitioner to appear and file response within few hours and failing which he will be proceeded ex parte even without mentioning about the subject matter of the case and without detailing the reasons/grounds on which the petitioner is required to appear and file his response even without supplying the copy of petition in which petitioner is required to appear totally in violation of mandatory provision of Order V CPC.

Precise submission made by counsel for the petitioner is that the proceedings under Sections 3, 4, 5 of Punjab Premises and Land Eviction and Rent Recovery Act, 1973 have been initiated against the petitioner. He submits that impugned notices have been issued in violation of the mandatory provisions of order V CPC.

There is no denial to the fact that the petitioner already approached this Court with a similar prayer by way of filing CWP-24729-2023 titled as Akshay Kumar vs. State of Punjab and others, which was disposed of by this

Court vide order dated 03.11.2023. The petitioner has again approached this Court with a similar prayer. Needless to say that remedy of the petitioner lies before the Court concerned which had issued the impugned notices. Resultantly, the present petition is neither maintainable nor there is anything on merits to interfere with the impugned notices. Thus, the present petition is dismissed with costs of Rs.10,000/- to be deposited by the petitioner with the Bar Association of Punjab and Haryana High Court, Chandigarh within a period of one month from today.

However, the petitioner is at liberty to appear before the Court concerned and raise all his pleas as available to him.

(RAJESH BHARDWAJ)
JUDGE

20.11.2023
sharmila

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No