

113

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-27791-2023

Date of Decision: December 12, 2023

Tirupati Buildplaza Pvt. Ltd.

.....Petitioner

Versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE RAJESH BHARDWAJ

Present: Mr.Preetinder Singh Ahluwalia, Advocate with
M.Keerat Dhillon, Advocate
for the petitioner.

.....

RAJESH BHARDWAJ, J.(ORAL)

Petitioner has approached this Court praying for issuance of a writ in the nature of certiorari, seeking quashing of the warrant of arrest dated 23.09.2023, passed by respondent No.1 (Annexure P-1) issued under Section 69 of the Punjab Land Revenue Act, 1887 against the Director owners/partner/proprietor of the petitioner/company. It is further prayed to kept in abeyance the warrant of arrest during pendency of the present petition.

It has been contended by learned counsel for the petitioner that warrant of arrest has been issued without identifying the present Incharge of the Company. He has relied upon **S.Kuldip Singh vs Tehsildar, (Punjab) (DB)**, 1958 AIR (Punjab and Haryana) 244, **S.Ujjal Singh vs Excise and Taxation Officer, Amritsar** 1967(20) STC 35, **Anita Grover vs Commissioner of Central Excise and others**, 2014(12) RCR (Criminal) 1076, **Sanjiv Kumar Mittal vs Deputy Commissioner** 2021(44) G.S.T.L.

14. Suman N.Agarwal vs Union of India 2013(31) RCR (Civil) 734, Om Parkash Walecha vs State of Haryana and others CWP No.7489 of 2007, State of Punjab vs Ajaib Singh 1953 AIR (Supreme Court) 10 and S.Velappan vs. State of Kerala 1965 AIR (Kerala) 72 and thus submits that warrant of arrest cannot be issued in the case of a Company. He has submitted that in view of law laid down, the Company is a legal entity and thus, the warrant of arrest are totally in violation of settled principles of law. He has submitted that warrant of attachment has already been issued by respondent No.2 vide order dated 04.07.2023, Annexure P-13, and the same has not been assailed. He has further submitted that as per the statutory provisions of Punjab Land Revenue Act, 1887 (for short, 'the Act'), recovery can be made in accordance with Section 67 of the Act. He submits that the authorised person of the Company is ready to appear before respondent No.2 and make his submissions, however, arrest, as directed by the impugned order is totally in violation of the fundamental rights of the petitioner. He has also submitted that the petitioner first approached to the Delhi High Court, however, the same has been withdrawn as Hon'ble Delhi High Court did not have the territorial jurisdiction as recovery notice has been issued by the authorities in Haryana.

Notice of motion to official respondents only at this stage.

On asking of the Court, Ms.Upasana Dhawan, AAG, Haryana, who is present in Court, accepts notice on behalf of respondent No.1/State.

After hearing learned counsel for the petitioner, the present petition is disposed of with a direction that in case the petitioner/authorised representative of the petitioner appears before respondent No.2 within ten

days from today and makes his submissions for redressal of his grievances before the authority concerned, the authority concerned is directed to deal with and decide the matter in accordance with law. Till then, operation of the impugned warrants of arrest, Annexure P-1, would remain stayed. However, it is made clear that if petitioner/authorised representative of the petitioner does not appear before respondent No.2 within the prescribed time given by this Court, then this order would be of no avail to it.

December 12, 2023

meenuss

(RAJESH BHARDWAJ)

JUDGE

- | | | |
|----|-----------------------------|--------|
| 1. | Whether speaking/reasoned ? | Yes/No |
| 2. | Whether reportable ? | Yes/No |