

2023:PHHC:164598-DB

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

CWP-28916-2023

Date of decision: 21.12.2023

Ramesh Kumar

....Petitioner

Versus

State of Haryana and others

....Respondents

**CORAM: HON'BLE MR. JUSTICE ARUN PALLI
HON'BLE MR. JUSTICE VIKRAM AGGARWAL**

Present: Mr. Ishnoor Singh, Advocate, for
Mr. Vikram Singh, Advocate,
for the petitioner.

Mr. Ankur Mittal, Additional A.G., Haryana,
Mr. Karan Jindal, Assistant A.G., Haryana,
Ms. Kushaldeep Kaur, Advocate.

Mr. Deepak Sabherwal, Advocate,
for the respondent-HSVP.

ARUN PALLI, J. (Oral)

Even an earlier petition filed by the petitioner
(CWP-12460-2019), was dismissed as withdrawn on September 12, 2023:

***“In the the present writ petition filed under Article
226/227 of the Constitution of India the petitioner is seeking
directions against the respondents to consider the claim under
the oustees quota for allotment of plot.***

***2. It is the case of the petitioner that allotment has
been done in favour of the petitioner as a oustee alongwith one
Chottan, whose name has also been mentioned in the allotment
letter dated 15.05.2007. Apparently, Chottan has not been even
made a party nor any relief has been prayed for against him,
though averments have been qua him that his name be removed
from the allotment.***

3. We are of the considered opinion that in the absence of said person being impleaded, the present writ petition is not maintainable.

4. Faced with this situation, counsel for the petitioner submits that he may be permitted to withdraw the present writ petition with liberty to file a fresh one, in case the cause of action still subsists.

5. Ordered accordingly.

Ex facie, even the petition at hand is centered on the same cause of action, but without impleading Chottan as party-respondent, whose name is recorded in the letter of allotment dated May 15, 2007.

Faced with this, learned counsel for the petitioner submits that he be permitted to withdraw the petition with liberty to file afresh with better particulars.

Dismissed as withdrawn, with the liberty prayed for.

(ARUN PALLI)
JUDGE

(VIKRAM AGGARWAL)
JUDGE

21.12.2023
Ak Sharma

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No