

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

(105)

**2024:PHHC:014649-DB
CWP-2321-2024
Date of Decision: 02.02.2024**

Shiv Shiksha Samiti & others

--Petitioners

Versus

State of Haryana & others

--Respondents

**CORAM:- HON'BLE MRS. JUSTICE LISA GILL.
HON'BLE MS. JUSTICE AMARJOT BHATTI.**

Present:- Mr. Ashok Bhardwaj, Advocate for petitioners.

LISA GILL.J (Oral)

Prayer in this petition is for setting aside order dated 19.01.2024 (Annexure P-16) passed by learned DRT-II, Chandigarh, whereby interim relief has been denied to the petitioners.

2. Learned counsel for petitioners submits that possession of a running school has been taken and the property auctioned to respondents no.5 to 7. Present management, it is urged should be permitted to run the school in order to safeguard the future of children studying therein. Reference is made to order dated 08.01.2024 passed by learned D.R.T.-II, Chandigarh in S.A/356/2023 stated to have been filed by some parents of students. Relevant portion of order dated 08.01.2024 reads as under:-

“Learned counsel for the parties agreed to the disposal of the SA with the understanding that the present session of the students of the school should be allowed to be completed and this session would be completed till 31.03.2024. In the circumstances of the case, this SA is disposed of as compromised above. File be consigned to the record room after due compliance.”

3. Learned counsel submits that application MA/9/2024 was filed in S.A/356/2023 seeking clarification of order dated 08.01.2024 as to which management would be entitled to run the school till 31.03.2024. Said MA has been dismissed vide order dated 16.01.2024 which reads as under:

“This MA has been filed seeking clarification of order dated 08.01.2024 vide which the SA was disposed of as compromised. Heard. It was argued that this Tribunal had not clarified the issue which was raised in SA No.356 of 2023 whereby it was not mentioned that which management would run the Shiv Senior Secondary School, Gatauli, Julana till 31.03.2024. In the considered opinion of this Tribunal, the disposal of the SA was with the understanding that the session of the students of the school should be allowed to be completed till 31.03.2024 and if there is any violation of the same, the appropriate remedy can be invoked by the aggrieved party. This Tribunal is not inclined to go into the aspect of affiliation of the school or roll numbers etc. Because that is not the domain of this Tribunal. In the facts and circumstances of the case, no case is made out for entertaining this MA. Consequently, the same is hereby dismissed. File be consigned to the record room after due compliance.”

3. It is submitted that a piquant situation has thus arisen leading to filing of this writ petition. In this factual matrix, petitioners, it is submitted, should be permitted to run the school for the period in question.

4. At this stage, learned counsel for petitioner when faced with the fact that impugned order is an appealable order in terms of Section 18 of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act (for short SARFAESI Act), seeks to withdraw this petition with liberty to avail the remedies available in accordance with law for redressal of grievance(s) of petitioners.

5. Writ petition is accordingly dismissed as withdrawn with liberty aforementioned.

(LISA GILL)
JUDGE

02.02.2024
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(AMARJOT BHATTI)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No