

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(104)

CWP-4587-2024

Date of decision: - 28.02.2024

Charanjeet Kaur @ Charanjit Kaur

....Petitioner

Versus

Additional District Magistrate-cum-Maintenance Tribunal and
another

.....Respondents

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Atul Lakhanpal, Senior Advocate, with
Ms. Neha Lakhanpal, Advocate,
for the petitioner.

Ms. Sukhmani Patwalia, Advocate, and
Mr. Saurabh Joshi, Advocate
for the respondent-UT Chandigarh.

VIKAS BAHL, J. (ORAL)

1. This is a petition under Article 226/227 of the Constitution of India for the issuance of a writ in the nature of certiorari or any other appropriate writ, order or direction for quashing the order dated 24.01.2024 (Annexure P-6) passed by respondent No.1 ordering the petitioner to vacate the house within a period of 30 days.

2. Learned counsel appearing for the respondent-UT Chandigarh has pointed out that in the present case, in view of the law laid down by the Hon'ble Division Bench of this Court in '**Paramjit Kumar Saroya Vs. Union of India and another**', reported as 2016(3) RCR (Civil) 146, against the impugned order, an appeal would lie.

3. Learned senior counsel for the petitioner has submitted that in view of the said objection, he seeks permission of this Court to withdraw the present Civil Writ Petition with liberty to the petitioner to file the statutory appeal before the appellate authority. It is prayed that since the petitioner was pursuing the present remedy, therefore, in case the petitioner files the statutory appeal within a period of 30 days from today, then, the appellate authority be directed not to dismiss the said appeal solely on the ground of limitation.

4. In view of the above, the present writ petition is dismissed as withdrawn, with the aforesaid liberty.

5. In case the petitioner files any such appeal within a period of 30 days from today, then, the appellate authority would not dismiss the said appeal solely on the ground of limitation.

6. It is made clear that this Court has not opined on the merits of the case and the appellate authority would decide the matter independently, in accordance with law.

February 28, 2024
naresh.k

(VIKAS BAHL)
JUDGE

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