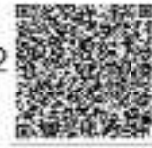


2024PHHC:145212



106-3

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

\*\*\*\*\*

**CWP-11149-2015**

**Date of Decision: 07.11.2024**

Karnail Singh

..... Petitioner

**Versus**

State of Haryana and others

..... Respondents

**CORAM: HON'BLE MR. JUSTICE HARSH BUNGER**

**Present:** Mr. Sanjiv Gupta, Advocate  
for the petitioner.

Ms. Upasana Dhawan, AAG, Haryana assisted by  
Mr. Mehab Khan, A.D.A., F.C.R. Office.

Mr. Keshav Pratap Singh, Advocate  
for respondents No.3 to 12.

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**HARSH BUNGER J. (ORAL)**

The present writ petition has been filed under Articles 226/227 of the Constitution of India, *inter alia*, seeking a writ in the nature of Certiorari to set aside order dated 18.11.2014 (Annexure P-5) passed by the learned Commissioner, Gurgaon Division, Gurgaon.

2. Learned counsel for respondents No.3 to 12 submits that in terms of Section 5 of the Haryana Dholidar, Butimar, Bhondedar and Muquararidar (Vesting of Proprietary Rights) Act, 2010 (for short 'the 2010 Act'), the instant writ petition would not be maintainable against the order

impugned herein (Annexure P-5) as the same would be amenable to appeal.

3. Learned State counsel, on instructions from Mr. Mehtab Khan, A.D.A., F.C.R. Office; has also conceded the aforesaid submissions made by learned counsel for respondents No.3 to 12.

4. Learned counsel for the petitioner submits that in view of the aforesaid submissions made by learned counsel for the respondents, he may be permitted to withdraw the instant writ petition with liberty to the petitioner to avail his remedy of appeal against order dated 18.11.2014 (Annexure P-5) passed by the learned Commissioner, Gurgaon Division, Gurgaon, before the competent authority; in terms of the provisions of the 2010 Act.

5. Keeping in view the aforesaid submissions made by learned counsel for the parties, the present writ petition is dismissed as withdrawn with liberty to the petitioner to avail his remedy of appeal against order dated 18.11.2014 (Annexure P-5) passed by the learned Commissioner, Gurgaon Division, Gurgaon; in terms of the provisions of the 2010 Act.

5.1 In case, any such appeal is filed on behalf of the petitioner within a period of four weeks from today then he would be entitled to file an appropriate application seeking condonation of delay in filing the appeal; which application may be dealt sympathetically by the concerned authority.

6. All pending application(s), if any, shall also stand closed.

**07.11.2024**

*Apurva*

**(HARSH BUNGER)**  
**JUDGE**

1. Whether speaking/reasoned : Yes/No

2. Whether reportable : Yes/No