

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-25474-2018 (O/M)

Date of decision : 25.07.2024

Heera Singh

..... Petitioner

Versus

State of Punjab and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE HARSH BUNGER

Present :- Mr. R.C. Sharma, Advocate
for the petitioner.
Mr. Navneet Singh, Senior DAG Punjab.
Mr. Ankit Chowdhri, Advocate for
Mr. P.I.P. Singh, Advocate
for respondents No. 3 and 4.

-. -

-. -

HARSH BUNGER, J. (ORAL)

1. Prayer in the instant civil writ petition filed under Articles 226/227 of Constitution of India is for issuance of a writ in the nature of certiorari for quashing the impugned action of respondents by which arrest warrants against the petitioner have been ordered to secure the loan advanced to him by respondent No. 4 without adopting due process of law under the Punjab Land Revenue Act, 1887 (in short '1887 Act'), which is wrong, illegal, arbitrary and against the provisions of Punjab Cooperative Land Mortgage Act, 1957 (in short '1957 Act') as well as 1887 Act.

1.1 A prayer has been further made for directing the respondents not to arrest the petitioner in view of Notice dated 28.05.2018 (Annexure P-3) before putting the land of the petitioner on auction in view of provisions of 1887 Act.

2. At the outset, learned counsel for petitioner submits that the petitioner has an alternative remedy of an appeal before competent authority against the Award dated 15.01.2015 (Annexure P-2) and consequent proceedings. He submits that in view of the same, the instant

civil writ petition is not maintainable. However, counsel for the petitioner submits that limitation issue would come in his way for availing the alternative remedy.

3. In view of the aforementioned facts, the petitioner is relegated to his remedy of appeal in accordance with law.

4. However, as the case has remained pending adjudication before this Court since year 2018, keeping in view the facts and circumstances of the case, the instant civil writ petition is disposed of with a direction that in case the petitioner files any appeal before the competent authority within two weeks from the date of receipt of certified copy of this order, warrant of arrest issued against him would remain in abeyance. Needless to say that if the petitioner does not file any appeal within the stipulated period, this order would be of no avail to him. It is further directed that the competent authority would deal with appeal and decide the same by passing a speaking order, in accordance with law.

5. It is also directed that the competent authority would take into consideration the limitation period, in the light of Section 14 of Limitation Act, and take the decision accordingly, by keeping in view the fact that the instant civil writ petition remained pending before this Court.

6. Petition is disposed of.

7. Pending application (s), if any, shall also stand closed.

(HARSH BUNGER)
JUDGE

25.07.2024

sjks

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No