

In the High Court of Punjab and Haryana at Chandigarh

(120-1)

CWP No. 33150 of 2019

Date of Decision: 29.4.2024

Balram Singh and another

.....Petitioners

Versus

State of Punjab and others

.....Respondents

**CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR
HON'BLE MR. JUSTICE LALIT BATRA**

Present: None for the petitioners.

Mr. Maninder Singh, Sr. DAG, Punjab.

Mr. Sunil Agnihotri, Advocate
for respondent No. 4.

SURESHWAR THAKUR, J. (ORAL)

1. The appeal bearing No. 003336/2018 is a time barred appeal, which was raised by the Gram Panchayat concerned, before the appellate authority concerned. However, through Annexure P-5, the said delay was condoned. The making of Annexure P-5 led the aggrieved therefrom to institute the instant writ petition before this Court. During the pendency of the instant writ petition, the following order was passed by this Court on 1.12.2021.

“This application has been filed for staying further proceedings in the pending appeal.

It has been submitted that order dated 26.11.2019 shows that delay in filing the appeal was condoned without issuance of notice and without giving any reason. The appellate Court is now proceeding further in the matter. The main case could not be taken up for hearing on account of COVID-19 pandemic. In case the appellate Court passes an order the writ petition would be rendered infructuous.

Notice of the application for 21.1.2022.

Ms. Sudeepti Sharma, Addl. A.G., Punjab accepts notice on

behalf of respondents No. 1 to 3 and waives service.

Respondent No. 4 be served in the ordinary manner.

Meanwhile, further proceedings before the appellate Court shall remain stayed.”

2. However, despite the said order becoming passed, yet the Appellate Authority concerned, made a decision on the said statutory appeal.. Consequently, the aggrieved Dev Raj was led to institute a Contempt Petition bearing No. 219 of 2024 before this Court. However, in view of the submission being made before this Court by the counsel for respondent No. 1, that he had no knowledge about the passing of the said order, and, on his expressing an apology before this Court, thereby this Court had closed the said contempt petition.

3. In view of the above, the instant writ petition becomes rendered infructuous, and, is disposed of as such, especially when the order passed on the above statutory appeal has also been challenged by the aggrieved therefrom through his instituting CWP No. 1189 of 2024.

4. Pending application(s), if any, is/are also disposed of.

(SURESHWAR THAKUR)
JUDGE

(LALIT BATRA)
JUDGE

April 29, 2024
Gurpreet

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