



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CWP-34564-2024

Date of Decision: 04.02.2025

M/s Bhagat Singh and company

....Petitioner

Versus

Union Territory, Chandigarh and others

....Respondents

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR
HON'BLE MR. JUSTICE VIKAS SURI

Present: Mr. Anand Chhibbar, Senior Advocate with
Mr. Vaibhav Sahni, Advocate
Ms. Ateevraj Sandhu, Advocate and
Mr. Utkarsh Khatana, Advocate
for the petitioner.

Ms. Madhu Dayal, Additional Standing Counsel with
Ms. Sukhmani Patwalia, Advocate
for respondents No.1 to 3 – U.T. Chandigarh.

Ms. Aditi Lakhanpal, Advocate
for respondent No.4.

Sureshwar Thakur, J. (Oral)

1. Ms. Aditi Lakhanpal, Advocate has filed today before this Court, a validly executed Vakalatnama in her favour by respondent No.4, which is taken on the record.

2. Short reply on affidavit has been filed on behalf of the Estate Officer. The relevant paragraph whereof which requires extraction, thus for settling the dispute, whereons the parties are engaged, is paragraph 8 thereof, paragraph whereof becomes extracted hereunder:

“8. *That it is evident that there is dispute between parties*



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regarding the change of composition of partnership firm as who is the owner of the site in dispute. Since the issue involved in the present petition is now a disputed question of fact. The question regarding claim of existing partner in the said petitioner firm carrying on business at Industrial Plot No.53, Industrial Area Phase-II, Chandigarh will necessarily be decided by the Competent Court of law i.e. the Ld. Civil Court. Therefore, in pursuance to the public notice dated 29.11.2024 (Annexure P-33) and the objections received by Sh. Arjan Singh by way of furnishing an affidavit dated 12.12.2024, the answering respondent proposes to inform the parties concerned to get their rights determined from the Ld. Civil Court, and till the rights are determined the public notice dated 29.11.2024 will be kept in abeyance.”

3. Since the Estate Officer concerned Shri Rajiv Tewari, has after making a profound application of mind, to the dispute which has emerged amongst the contesting litigants, has stated therein, that since the said dispute relates to the rival partners in the partnership firms concerned, rather making competing claims with respect to the ownership over industrial plot No.53, thereby, when he has further but after making a profound application of mind, also declared therein, that the said contentious dispute is required to be determined by the civil Court of competent jurisdiction. Furthermore, since he is also stated therein that till the making of the apposite decision by the civil Court of competent jurisdiction, thus the impugned public notice dated 29.11.2024, rather shall be kept in abeyance.

4. Consequently, in the wake of the said expressions, as made in the supra extracted paragraph carried in the reply, the learned counsel for the



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petitioner seeks, and, is permitted to withdraw the instant writ petition, as the same for the said reason becomes rendered infructuous.

5. It is open to the partners in the partnership firms concerned, to settle their dispute, through theirs raising a civil suit before the civil Court of competent jurisdiction. On such a suit being filed, the learned civil Court of competent jurisdiction, shall ensure that it shall make a most expeditious decision thereon, but after hearing all the affected parties concerned.

6. Disposed of accordingly.

7. Pending applications, if any, also stand disposed of.

(SURESHWAR THAKUR)
JUDGE

February 04, 2025
Varinder

(VIKAS SURI)
JUDGE

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