



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

**CWP-23785-2024 (O&M)
Date of Decision : 10.04.2026**

Naresh & Anr

... Petitioner(s)

Versus

State of Haryana & Ors

... Respondent(s)

**CORAM : HON'BLE MRS. JUSTICE ALKA SARIN
HON'BLE MR. JUSTICE RAMESH CHANDER DIMRI**

Present : Mr. Sukhandeep Singh, Advocate for the petitioners.

Mr. Pradeep Prakash Chahar, Sr. DAG Haryana
for respondent Nos.1 to 4.

Mr. Brijesh Kumar Jangra, Advocate for respondent No.5.

Mr. Johan Kumar, Advocate for respondent Nos.6 and 7.

ALKA SARIN, J. (Oral)

CM-18772-CWP-2024

1. Learned counsel for the applicant-proposed respondent No.8 seeks permission to withdraw the present application. Permitted to do so.

2. CM is dismissed as withdrawn.

CWP-23785-2024

3. Learned counsel for the petitioners, at the outset, limits his prayer in the present writ petition and states that the petitioners would be satisfied if the order dated 03.02.2022 (Annexure P-9) passed by the District Collector,

Palwal, dismissing his appeal for non-prosecution and subsequent orders dated 12.03.2024 (Annexure P-11), whereby his application for restoration was dismissed and order dated 17.07.2024 (Annexure P-13), whereby the revision was dismissed, are set aside and the District Collector, Palwal (respondent No.3 herein) be directed to decide the matter on merits in a time-bound manner. Learned counsel for the petitioners would contend that due to the Pandemic Covid-19, the matter was not taken up for a long time. The appeal was suddenly listed on 03.02.2022 when the counsel for the petitioners missed the same and the said appeal was consigned on the same very day i.e. 03.02.2022. Thereafter, the petitioners had filed an application for restoration on 03.10.2022, which was dismissed vide order dated 12.03.2024 (Annexure P-11). Aggrieved by the same, the petitioners preferred a revision petition which was also dismissed vide order dated 17.07.2024 (Annexure P-13) only on the ground that the petitioners had remained absent from the case only to avoid eviction proceedings and wanted to prolong the matter and that the appeal had rightly been dismissed by the District Collector, Palwal.

4. Learned counsel for respondent Nos.6 and 7 would contend that in case the matter is being remanded for a decision on merits, the same be made time bound.

5. Similar contentions have been made by the learned counsel for respondent No.5 and the learned State counsel.

6. We have heard the learned counsel for the parties.

7. In the present case, the petitioners had given a cogent reason that due to the Pandemic Covid-19, the matter was not being taken up and when it was listed on 03.02.2022, without even affording an opportunity to the petitioners to appear, the appeal was consigned vide order dated 03.02.2022

(Annexure P-9). A perusal of the said order reveals that the appeal was only consigned to the record room since none had appeared and was not dismissed for non-prosecution. That being so, on an application filed by the petitioners, the same ought to have been revived and dealt with on merits.

8. In view of the above, the orders dated 03.02.2022 (Annexure P-9), 12.03.2024 (Annexure P-11) and 17.07.2024 (Annexure P-13) are not sustainable in law and are accordingly set aside. The District Collector, Palwal (respondent No.3 herein) would decide the matter afresh in accordance with law expeditiously, preferably within a period of six months from today.

9. Disposed off accordingly. Pending applications, if any, also stand disposed off.

(ALKA SARIN)
JUDGE

10.04.2026
Yogesh Sharma

(RAMESH CHANDER DIMRI)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO