

CWP-17344-2023

**SUKHPREET SINGH
VS
STATE OF PUNJAB AND OTHERS**

Present:- Mr. Siddharth Gupta, Advocate
for the petitioner.

Petitioner has approached this Court praying for issuance of a writ in the nature of certiorari for setting aside the order dated 13.04.2023 passed by respondent No.2 whereby appeal filed by the petitioner against the order dated 22.02.2023 and order dated 21.09.2022 has been dismissed in most illegal and arbitrary manner and the delay application filed by the petitioner along with his appeal filed before respondent No.3 has been ordered to be dismissed while upholding the order dated 22.02.2023.

It has been contended by learned counsel for the petitioner that respondent No.4 filed a civil suit for possession wherein injunction has been granted against the petitioner by directing the petitioner not to alienate and change the nature of the suit property vide order dated 30.06.2020 passed by ACJ (Senior Division), Bathinda(D). He submits that taking benefit of the same, now respondent No.4 is trying to take the possession of the property while the civil suit is pending adjudication till date. He submits that the Deputy Collector passed the impugned order dated 21.09.2022 ignoring the facts and circumstances of the case. He submits that appeal was preferred by the petitioner against the same before the Divisional Canal Officer. However, the same was declined simply on the basis of delay. He further submits that the petitioner challenged the order of Divisional Canal Officer by filing an appeal before the Superintending Canal Officer, however, he has fallen in error in not

appreciating the same and thereby, dismissed the appeal. He submits that petitioner has not been heard on merits and his appeal has been dismissed only on the ground of limitation.

Notice of motion.

On asking of the Court, Mr. Arun William, AAG, Punjab appears and accepts notice on behalf of respondents No.1 to 3-State. He seeks some time to file reply.

List on 06.02.2024.

Status quo be maintained till the next date of hearing.

(RAJESH BHARDWAJ)
JUDGE

09.08.2023
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