

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

CWP No. 6433 of 2010.

Decided on: 16.11.2010

Bhart Singh Verma

.... Petitioner

Versus

Deputy Commission Shimla and another

.... Respondents

Coram:

The Hon'ble Mr.Justice Kurian Joseph, Chief Justice

The Hon'ble Mr.Justice V.K.Ahuja, Judge

For the petitioner: Mr. Rajesh Kumar, Advocate.

For respondent No.1: Mr.R.K. Bawa, Advocate
General, with Mr.J.K. Verma,
Deputy Advocate General.

For respondent No.2: Mr. Vijay Verma, Advocate.

Justice Kurian Joseph, C.J. (Oral)

The writ petition is filed with the following prayer:

"I That the writ of certiorari may kindly be issued and order passed by the Id. District Magistrate on 6/09/2010 may kindly be set aside and writ of mandamus may kindly be issued by directing the respondents 1 and 2 not to take action in view of the order passed by the Id. District Magistrate on 6/09/2010."

2. In view of the various disputed questions of fact involved in this case, we are of the view that the petitioner should pursue is ordinary remedy before the Debt Recovery Tribunal. Therefore, the writ petition is disposed of as follows:

3. In the event of the petitioner pursuing his remedy before the Debt Recovery Tribunal within a period of three weeks from today, the same shall be treated to have been initiated in time. It will also be open to the petitioner to move the Debt Recovery Tribunal for appropriate interim orders. In order to enable the petitioner to work out his remedy as above, the further proceeding pursuant to the impugned order for dispossession of the petitioner shall be deferred for a period of one month from today on the condition that the petitioner deposits an amount of ₹ 5,00,000/- in cash with the second respondent having its office at Sector-35, Chandigarh within ten days from today.

4. The writ petition is disposed of, so also the pending application(s), if any.

Dasti copy.

(Justice Kurian Joseph)
Chief Justice.

November 16, 2010
(tilak/vt)

(Justice V.K.Ahuja)
Judge