
(2010) 11 SHI CK 0013
In the High Court Of Himachal Pradesh
Case No : CWP No. 6433 of 2010

Bhart Singh Verma

APPELLANT

Vs

Deputy Commission Shimla and Another

RESPONDENT

Date of Decision : 16-11-2010

Acts Referred:

Citation : (2010) 11 SHI CK 0013

Hon'ble Judges : Kurian Joseph, C.J;V.K. Ahuja, J

Bench : Division Bench

Judgement

Kurian Joseph, C.J.—The writ petition is filed with the following prayer:

I That the writ of certiorari may kindly be issued and order passed by the Ld. 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 Ld. 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 Rs. 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.