

PART F—RULES MADE BY THE HIGH COURT OF PUNJAB
AND HARYANA REGULATING PROCEEDINGS UNDER
ARTICLE 226 OF THE CONSTITUTION.

PART I—GENERAL

1. (1) These rules may be called the writ Jurisdiction (Punjab and Haryana) Rules, 1976.

(2) These rules shall come into force on the date of their publication in the Official Gazette of the Union Territory of Chandigarh.

(3) These rules shall apply

(a) to all petitions under article 226 of the Constitution of India; and

(b) so far as may be, to all such petitions pending on the date mentioned in sub-rule (2).

Definitions.

2. (1) In these rules, unless the context otherwise requires:—

(a) "Chief Justice" means the Chief Justice of the High Court of Punjab and Haryana, and includes a judge of that Court appointed under Article 223 of the Constitution of India to perform the duties of the Chief Justice.

(b) "Court" means the High Court of Punjab and Haryana and includes any Single Bench or Division Bench of the Court.

(c) "Deputy Registrar (Judicial)" shall include such other Deputy Registrar or an Assistant Registrar as may be so designated by the Chief Justice.

(d) "Judge" means a Judge of the Court.

(e) "Pleading" shall mean a petition under Article 226 of the Constitution of India or a Written statement or a return thereto and shall include such a replication or rejoinder as may be presented by leave of the Court.

(2) Unless the context otherwise requires, the Punjab General Clauses Act, 1898 (1 of 1898), shall apply for the interpretation of these rules.

3. A petition for the issuance of a Writ in the nature of habeas corpus ^[31][or any petition challenging order of punishment passed in pursuance to any proceedings before a Court Martial] ^[32][or its equivalent tribunal], ^[1][matters pertaining to Protection of Life and Liberty (Protection Matters), Parole, Furlough, Pre-mature release] shall be styled as "Criminal Writ Petition".

Criminal Writ petitions.

4. A petition for the issuance of any other Writ, i.e., a Writ in the nature of Mandamus, prohibition, *quo warranto* or *certiorari* or any other appropriate writ, order or direction, shall be styled as "Civil Writ Petition".

Civil Writ petitions.

5. The Court may, in order to discover or obtain proper proof of relevant facts, examine or direct the examination of any person, whether a party to the proceedings or not, either before it or by a Court Subordinate to it or on commission and may order the production of any document or thing at any time.

Evidence.

6. Every writ, notice, order warrant or other writs process shall be signed and dated by the Deputy Registrar (Judicial) and shall be sealed with the seal of the Court. The forms set out in the schedule to these rules with such variations as circumstances may require, shall be used in all cases where the same are appropriate.

Form of writ etc..

PART II—HABEAS CORPUS

7. A petition for the issuance of a writ in the nature of habeas corpus shall be made by the person arrested or detained or on his behalf by a person acquainted with the facts of the case.

Persons entitled to move.

8. The petition shall contain all relevant facts showing the circumstances and nature of the restraint and whether any previous petition was made by the detenu or on his behalf and in case such a petition was filed its full particulars and result. The petition shall be accompanied by an affidavit in support thereof.

Contents of petition and affidavit.

1. Amended vide Correction Slip No. 184 Rules/II.D.4 dated 25.11.2019.

Expeditious
transmission
of petition.

9. If the detenu desires to make a petition for the issuance of a writ in the nature of habeas corpus he shall be given every lawful facility for the purpose by the authority or the person in whose custody he is held. Such a petition shall be forwarded to the Deputy Registrar (Judicial) by such authority or person without any avoidable loss of time in a cover bearing the caption "Habeas Corpus Petition" in bold letter.

Procedure on
receipt of
petition.

10. (1) On receipt of a petition referred to in rule 7 or rule 9 the Deputy Registrar (Judicial) shall cause it to be entered in the "Register of Criminal Writ Petitions" and after entering the serial number thereof on the opening sheet, post the same, as soon as may be, before a Single Bench.

(2) If such a petition is received or presented at a time when the Court is closed, it shall be laid before the Deputy Registrar (Judicial) who shall enter the same in the said register and place it for hearing as soon as may be, before a Judge of the Court in station.

Preliminary
hearing
and issue
of notices.

11. (1) After reading the petition and hearing the petitioner or his counsel, if present, the Court may dismiss the petition *in limine* if it so thinks fit.

(2) ¹If the Court, on the other hand, is of the opinion that a *prima facie* case for granting the petition is made out, a notice, by electronic mode or any other means, in form Cr.W.P. 1 shall be issued calling upon the person or persons against whom writ is sought, to appear on a day to be named therein to show cause why such Writ should not ²[be issued] and at the same time to produce in the Court, the body of the persons or person alleged to be illegally or improperly detained ²[then] and there to be dealt with according to law. In that case a notice also be issued to the Advocate General of the State concerned ²[in form Cr.W.P. 2.]

(3) The Court, may, at the time of issuing a notice, also issue a search warrant, and the person to whom the warrant is directed may in accordance therewith search for the person said to be confined who if found, shall be immediately brought before the Court, which shall make such order as in the circumstances of the case may seem to be proper.

1. Amended vide Correction Slip No. 178 Rules/II.D4 dated 27.11.2018.
2. Amended vide Correction Slip No. 184 Rules/II.D.4 dated 25.11.2019.

(4) The provisions of sections 38, 70, 72, 74, 77, 78 and 79 of the Code of Criminal Procedure, 1973, shall so far as may be apply to all search warrants issued under sub-rule (3).

(5) If the Court issuing a search warrant under sub-rule (3) has reason to believe that the person to whom the warrant has been directed may not be able to identify the person confined, the Court may order a person named in the warrant to accompany the person to whom the warrant is directed to assist him in the execution of the warrant.

[33][12. Three days before the date fixed for appearance, the respondent shall file a return stating whether the detenu is in his custody, whether he arrested him and if so whether the detenu was released before the issuance of the notice and if it is claimed that detention is legal, then all the facts relevant thereto. Such return shall be supported by the affidavit of the respondent.]

Return.

[34][13. A copy of the return shall be filed in the office and a copy supplied to the petitioner or his counsel three days before the date fixed for appearance and the matter shall be heard and disposed of on the date fixed, notwithstanding the fact that the return has been filed or not.]

Advance copy of return.

14. The petitioner may be permitted to file a counter affidavit to controvert the truth of the statements made in the return. Such counter affidavit shall be filed within such time as the Court may allow, after an advance copy thereof has been served on the respondent or his counsel, if any. Thereafter, the Court may, if it thinks fit record evidence or direct the Court of Sessions or a Judicial Magistrate to take evidence and remit the same within the time fixed by it.

Counter affidavit.

15. No petition for the issuance of a writ in the nature of habeas corpus shall lie in respect of the detention of a person on a ground on which a similar petition has already been dismissed. However a second petition against the legality of the detention may be filed on the basis of a ground which has arisen after decision of the earlier petition, or was omitted there from for a reason which the Court regards as exceptional and allows to be taken for the ends of justice.

Second petition when not competent

Justification
for second
petition.

16. Where a second petition is competent after the dismissal of the first, it shall state explicitly the factor of dismissal and the reason why the new ground sought to be urged in support of the fresh petition could not be taken earlier.

Annexure to
second
petition.

17. Such second petition, the Court may in its discretion make such order as to costs as it may deem just.

Costs.

18. In disposing of any petition, the Court may in its discretion make such order as to costs as it may deem just.

PART III

(Mandamus, Prohibition, Certiorari, Quo-warranto and other directions or orders).

Index.

19. The opening sheet of a petition for the issuance of a writ in the nature of *mandamus*, *prohibition*, *quo warranto* or *certiorari* or any other direction or order shall be the index of the petition and the documents annexed thereto in form C.W.P. 1. It shall be signed by the petitioner or his counsel and shall state the serial numbers of the pages and the paragraphs which contain the points of law canvassed in the petition.

Contents
of petition.

20. (1) Every petition shall consist of paragraphs numbered consecutively and shall contain,—

(i) the name [& age], description sufficient for identification and place of residence or business of each person joined as a petitioner or a respondent;

[Inserted vide Correction Slip No. 165 Rules/II.D4 dated 18.11.2016].

(ii) a concise Statement of relevant facts in chronological order along with dates.

(iii) particulars of the defect in the exercise of jurisdiction or the grounds on which the legality or validity of an order, act or default of the state or other authority is impugned, and any final or interim relief sought;

(iv) in concise and precise form in a separate paragraph immediately following the one in which the grounds are specified, the points of law canvassed in the petition ;

(v) ^[36] a statement about any alternative remedy, which was available to the petitioner and whether such remedy was availed of, and if not, the reasons therefore, and if availed with what results;

(vi) a statement whether a similar petition has been made to the Supreme Court or previously in the Court or in any other Court in respect of the same matter, and if made, with what result ; and

(vii) detailed particulars and adequate reasons for the delay, in case the petition is *prima facie* belated.

(viii) ^[37][The prayer for interim relief and for dispensing with the filing of the certified copies of the documents annexed with the petition shall be incorporated in the main petition and no separate application is required to be filed for this purpose. However, the prayer for interim relief, if any, made after filing of the writ petition shall be made by way of a separate application duly supported by an affidavit.]

(2) In a petition where an interim relief is claimed, the petitioner shall ordinarily furnish to the party against whom such petition is filed, copies of such petition and of all documents in support of the plea for such interim relief and the petition shall contain a statement to that effect.

^[38] [Provided that where an interim relief is granted by the Court and the petitioner has not already furnished to the party/parties against whom such petition is filed a copy/copies of such petition along with all documents in support of the plea for such interim relief, he shall, forthwith on the date of the grant of such relief supply copy/copies of the petition along with all documents in support of the plea for such interim relief which shall accompany the stay order to be served, unless the Court directs otherwise.]

^[39] 3. [Every petition shall be supported by a short affidavit duly verified in the manner prescribed under Order 19 Rule 3, of the Code of Civil Procedure, 1908.]

[4. Pleadings shall be verified by the party for and on behalf of his co-parties also, where there are more than one petitioner or respondent, as the case may be, in the manner prescribed in Rule 15 Order 6, CPC.]

[Point no.4 inserted vide correction slip no. 159 Rules/II.D4. dated 16.09.2013].

21. Every person who is likely to be affected in any manner by the results of a petition shall be joined as a respondent thereto. Any petition in which a necessary party is not impleaded shall be liable to be dismissed.

Joinder of
respondents

Petition and annexures thereto.

22. (1) Every petition shall be accompanied by-

(i) Such documents on which the petitioner relies or their certified or photo state copies or copies attested either by the petitioner's counsel or sworn to by the petitioner to be true copies of the originals and where such documents happen to be in a language other than English, their translations certified by counsel to be correct; and

(ii) a correct copy meant for the use of the Court, type written (first carbon impression), cyclostyled or printed, of the petition and the annexures thereto.

(2) Every document shall bear an annexure mark on the right hand top corner of its opening sheet. Each annexure mark shall consist of the letter 'P' followed by the serial number of the documents ; for example, P1, P2, P3.

(3) Every petition and the copies of translations attached thereto shall be type written, cyclostyled or printed in double space on one petition paper demi fool scap size with quarter margin.

23. ^[1][Deleted]

Service of notice.

24. ^[2][Any notice or communication sent by the Registry of the Court to the address or requisite e-details of the petitioner as supplied by him in the petition under a certificate of posting or registered post or by electronic means, shall be deemed to have been duly served on him, where the petition has not been filed through counsel. In all other cases, notice to counsel shall be deemed to be sufficient notice to the party. Any change in the address of the petitioner shall be communicated by him to the Court and thereafter the changed address shall be deemed to have been incorporated in the petition.]

1. Deleted vide Correction Slip no.148 Rules/II.D4 dated 18.08.2011.

2. Amended vide Correction Slip No. 178 Rules/II.D4 dated 27.11.2018.

[41] 25. [(1) “Every petition relating to

Motion
hearing.

- i. Public Interest Litigation,
- ii. Green matters,
- iii. Petitions against orders of Central Administrative Tribunal;
- iv. Tax Matters;
- v. Petitions Challenging Compulsory acquisition of land/Immovable property including matters in respect of the Change of Land Use *except those challenging valuation of the acquired land or apportionment of compensation*;
- vi. Writ Petitions questioning the vires of any statutory provision;
- vii. Election matters challenging the Election process in relation to Parliament, *Legislative Assemblies*, Municipalities and Panchayats; disqualification of members of the legislative assembly and Parliament;
- viii. Tender matters;
- ix. Matters in respect of resumption of land/plot or building under the Urban Development Laws of the States of Punjab, Haryana and Chandigarh;
- x. The matters challenging the action of the Financial Institutions under the State Financial Corporations Act, 1951 & the Recovery of Debts due to Banks and Financial Institutions Act, 1993 & Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002;
- xi. All Service matters of the Judicial Officers;
- xii. The Petitions in respect of the rights in Mines and Minerals, Village Common Land and Consolidation of Land Holdings; and
- xiii. Any other matter with the orders of the Chief Justice.

shall be before a Bench of two Judges, and before a Single Bench when there is no sitting of a Division Bench and all other Petitions shall be laid before Single Bench.”

(2) At any time when the Court is closed, a petition may be presented to the senior most judge in station if,—

(a) interim relief of an urgent nature is prayed for

(b) irreparable loss is likely to be occasioned to the petitioner in case he waits for the institution of the petition till the Court reopens, and

(c) the petitioner was unable to present the petition to the court on its last working day for reasons beyond his control.

On such presentation the Judge may pass such orders in relation to the interim relief as he may deem just.

26. (1) Notices of motion and admission of petitions shall be issued in form C.P.W. 2. Any notice so issued shall be made returnable on a date fixed by the Court and, when no such date has been fixed, on a date not less than 21 days from the date of the issue of the notice :

Form of notice.

"Provided that where an interim relief is granted the notice shall be made returnable within a period of 14 days from the date of the order."

(2) Every notice shall be served, as far as may be, within 7 days of the date of issue.

27. Service of a notice issued under rule 26 shall not be necessary on a respondent who is present before the Court at the motion hearing and whose presence is noted in the order passed by the Motion Bench.

Consequences of non-prosecution.

28. (1) If the petitioner does not furnish the process, fee, postal charges, the required number of copies of the petition and the annexures thereto, or does not comply with any order issued by the Court, the office shall place the case for proper orders before the Registrar.

No notice when respondent attends hearing

(2) If the Registrar is of the opinion that no further opportunity should be granted to the petitioner to comply with any of the requirements mentioned in sub-rule (1), the case shall be laid before a Judge.

Written
statement or
return

[42] **29.** [(1) A written statement or a return to the petition answering each paragraph of the petition separately shall be filed in the office and a copy delivered to the petitioner or his counsel three days before the date fixed for hearing and the matter will be heard and disposed of on the date fixed notwithstanding the fact that the same has been filed or not.]

(2) The provisions of rules 20 and 22 and of order VIII of the Code of Civil Procedure, 1908, shall apply *Mutatis mutandis* to written statements and returns.

(3) Every document accompanying a written statement or return shall bear an annexure mark on the right hand top corner of its opening sheet. Each annexure mark shall consist of the letter 'R' followed by the serial number of the document ; for example R. 1, R. 2, R. 3.

Single bench
to hear
petition unless
otherwise
ordered.

[43] **30.** Single Bench to hear petition unless otherwise ordered-[(1) In the absence of any special instructions of the Chief Justice, the petitions, other than those specified in Rule 25(1) or in Chapter III Part B of the Rules and Orders of Punjab and Haryana High Court Volume-5, after admission, shall be heard by the Single Bench.

Provided, that the Motion Bench may, at the motion hearing itself, dispose of the petition finally if the circumstances of the case so require.

(2) A Single Bench hearing a petition may submit the same to the Chief Justice for disposal by a larger Bench.

Difference of
opinion.

31. In case of a difference of opinion between the Judges constituting a Bench hearing a petition, the points of difference shall be decided in accordance with the procedure laid down in clause 26 of the Letters Patent.

Application
of C.P.C.

32. In all matters for which no provision is made by these rules, the provisions of the Code of Civil Procedure 1908, shall apply *mutatis mutandis*, in so far as they are not inconsistent with these rules.

[33. The Registrar (Judicial) shall issue a copy of the final judgment to the Advocate General and to the Principal Secretary/Secretary of the concerned department by e-mail or such other modes, as directed or considered appropriate by Registrar (Judicial) for necessary action along with the covering letter in Form C.W.P. 3.]

Compliance with Judgment.

[Rule 33. substituted vide correction slip no. 132 Rules/II.D4. dated 12.11.2009.]

[33-A. In every Civil Writ petition instituted against the orders of all Quasi-Judicial Tribunals, every petitioner shall be required to file complete pleadings with annexures which were before the Tribunal. No additional document shall be filed unless otherwise permitted by the Court :

Filing of Civil Writ Petition against orders of all Quasi-Judicial Tribunal(s).

Provided that if the petitioner wants to produce any document which was not part of the records of the Tribunal, he shall move a separate application stating the reasons for not producing it in the Tribunal and the necessity for its production in the Court. The applicant shall seek leave of the Court for producing such additional document :

Provided further that the pleadings in the proceedings before the Tribunal shall be enclosed in a separate paper book as Volume-I and the documents placed before the Tribunal in another paper book as Volume-II.

Note.- It shall be obligatory for the counsel to file the following certificate-I with the writ petition :-

‘Certified that the Writ Petition is confined only to the pleadings before the Tribunal whose order is being challenged and the documents relied upon in those proceedings. No additional facts, documents or grounds have been taken or relied upon in this Writ Petition. It is further certified that the copies of all documents/annexures filed before the Tribunal have also been attached to the Writ Petition. This certificate is given on the basis of the instructions given by the petitioner/person authorised by the petitioner whose affidavit is filed in support of the Writ Petition.’]

[Rule 33-A amended vide correction slip no. 153 Rules/II.D4. dated 08.05.2012.]

PART IV- MISCELLANEOUS

34. The Court may dispense with the requirements of any of these rules in the interest of justice.

Power to dispense with rules.

35. The Punjab and Haryana Writ Jurisdiction Rules, 1972 are here by repealed.

Repeal.

FORM Cr. W.P.I.
[See Rules 11(2), 12 and 13.]

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH.

CRIMINAL WRIT JURISDICTION

Criminal Writ Petition No. _____ of 19

_____ Petition(s)

versus

_____ Respondent(s).

NOTICE

To

Whereas a petition under article 226 of the Constitution of India, wherein you have been joined as respondent and of which a copy is enclosed, has been presented to this Court with a prayer for the issuance of a writ in the nature of habeas corpus;

And whereas the said petition has been fixed for hearing on _____ day of _____ 19 _____ at 10.00 A.M. (Actual);

You are hereby required to appear before the Court on the said date and time and to show cause why such writ should not issue and at the same time to produce before the Court the body of _____ who is alleged to be in your custody, then and there to be dealt with according to law;

[¹] You are further required to file a return supported by an affidavit three days before the said date stating whether you arrested him and if so whether he was released before the issuance of notice and if it is claimed that the detention is legal, then all the facts relevant thereto;

And you are further required to supply a copy of the return, if reasonably practicable, to the petitioner or his counsel three days before the date above-mentioned;]

And also take notice that in case of default you shall be answerable for contempt in not obeying the orders of this Court.

Given under my hand and the seal of the Court this _____ day of _____ 19 .

BY ORDER OF HIGH COURT OF PUNJAB AND
HARYANA AT CHANDIGARH

(Seal)

(Signature)

Deputy Registrar (Judicial)

FORM Cr. W.P. 2.
[See Rule 11(2)]
IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRIMINAL WRIT JURISDICTION

Criminal Writ Petition No. _____ of 19
_____ Petitioner(s).
versus
_____ Respondent(s).

To

The Advocate General,
_____, Chandigarh.

Whereas the petitioner above named has presented a petition under Article 226 of the Constitution of India for the release of the detenu named therein ;

And whereas the said petition, a copy of which is enclosed, has been admitted to a hearing by this Court:

Notice is hereby given to you that the case will be laid before this Court on the _____ day of _____ 19 . (Actual date).

Should you consider that the State of _____ should be represented at the hearing in this Court, you may take necessary steps in that behalf.

Given under my hand the seal of the Court this.....day .

BY ORDER OF HIGH COURT OF
PUNJAB AND HARYANA AT
CHANDIGARH

(Seal)

(Signature)
Deputy Registrar (Judicial),

FORMC.W.P. 1

(See Rule 19)

IN THE HIGH COURT OF PUNJAB AND
HARYANA AT CHANDIGARH
CIVIL WRIT JURISDICTION

Civil Writ Petition No.....of 19

.....Petitioner (s)

versus

.....Respondent (s)

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[³⁵][Note-(i) Main law point involved mentioning the page and paragraph of the petition.

(ii) Relevant statute and rules.

(iii) Any previous case involving the same point with brief statements of facts and the point of law involved.]

(Signature)
(Name)

Date

Advocate(s) for the Petitioner(s).

FORM C.W.P. 2
(See Rule 26)

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH CIVIL WRIT JURISDICTION.

Civil Writ Petition No. 19

.....Petitioner (s).

versus

.....Respondent (s)

NOTICE OF MOTION/ADMISSION OF PETITION

To

.....

Whereas a petition under Article 226 of the Constitution of India, wherein you have been joined as respondent and of which a copy is enclosed, has been presented to this Court ;

[45][You are hereby informed that the said petition has been fixed for hearing on.....day of.....19 (Actual/Tentative) and that if you wish to urge anything in reply to the petition, you may appear in this Court on that date and file your written statement three days before that day either in person or through an Advocate duly instructed;]

Take notice that in default of your appearance on the date aforementioned the case shall be heard and decided in your absence.

Given under my hand and the seal of the Court thisday of.....19 .

BY ORDER OF HIGH COURT OF PUNJAB
AND HARYANA AT CHANDIGARH

(Seal)

(Signature)
Deputy Registrar (Judicial).

FORM C.P.W. 3

(See Rule 33)

IN THE HIGH COURT OF PUNJAB AND
HARYANA AT CHANDIGARH

No...../Writs, dated

To

.....
Subject. - Civil Writ Petition No.....of 19

.....Petitioner (s)

versus

.....Respondent(s)

I am directed to forward herewith for immediate compliance
a copy of the judgment, dated.....
passed by this Court in the above-noted case.

Given under my hand and the seal of the Court this day of
.....19.

BY ORDER OF HIGH COURT OF PUNJAB
AND HARYANA AT CHANDIGARH

(Seal)

(Signature)

[Registrar (Judicial)]

(Notification No. 86 / Rules / XVI A 90 (b) dated the 21st April,
1976.)

[Registrar (Judicial) substituted vide correction slip no. 132 Rules/II.D4. dated 12.11.2009.]