

Court No. - 10

Case :- WRIT - A No. - 17680 of 2023

Petitioner :- Smt.Neelam Sharma

Respondent :- State Of U.P. And 5 Others

Counsel for Petitioner :- Santosh Mani Shukla

Counsel for Respondent :- C.S.C.,Mayank Malviya,Omkar Dutt Malviya,Shri Ram Pandey,Shyam Mani Shukla

Hon'ble Kshitij Shailendra,J.

1. This matter has been nominated to this Bench under the order passed by Hon'ble the Chief Justice dated 02.11.2023.

2. Heard Shri Santosh Mani Shukla, learned counsel for the petitioner, learned Standing Counsel for the State-respondent No. 1 and Shri Lok Nath Shukla, learned counsel holding brief of Shri Omkar Dutt Malviya, learned counsel for the respondent Nos. 4 and 5.

3. Shri Shyam Mani Shukla, learned counsel has accepted notice on behalf of respondent Nos. 2 and 3.

4. This writ petition has been filed challenging the report dated 11.08.2023, whereby the Secretary/Manager of the Municipal Corporation, Agra has requested the Additional Municipal Commissioner of the Corporation to dispose of the complaint of the petitioner.

5. Learned counsel for the petitioner submits that the report is erroneous, inasmuch as, it refers to old Rules, whereas the case of the petitioner is covered by amended Rules.

6. Be that as it may, no writ of certiorari can be issued to quash a report as the report is neither judicial or quasi-judicial nor an Administrative order. Admittedly, the order is yet to be passed by the Additional Municipal Commissioner.

7. While declining to quash the report dated 11.08.2023, the writ petition stands **disposed of** in the following terms:

(i) The petitioner shall file a certified copy of this order before the respondent No. 3, Additional Municipal Commissioner, Municipal

Corporation, Agra **in the month of December, 2023** along with representation assailing the contents of the report dated 11.08.2023.

(ii) The Additional Municipal Commissioner, Municipal Corporation, Agra shall decide the matter, strictly in accordance with law, after providing opportunity of hearing to the petitioner, particularly after examining the applicability of relevant Rules.

(iii) Such a decision shall be taken **on or before 15.02.2024** by the Additional Municipal Commissioner, Municipal Corporation, Agra.

Order Date :- 5.12.2023

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