

COCN No. 674 of 2015

Date of decision: 31.07.2015

New Palam Vihar Residents Welfare Association

.....Petitioner

versus

S.N.Roy

.....Respondent

Coram: Hon'ble Mr. Justice Rakesh Kumar Jain

Present: Mr. Shailender Jain, Sr. Advocate with
Ms. Manu Chaudhary, Advocate
for the petitioner(s).

Mr. Deepak Manchanda, Addl.AG, Haryana.

Rakesh Kumar Jain, J.(Oral)

Reply on behalf of respondent is filed in Court.

Counsel for the petitioner has submitted that direction was issued by this Court to verify the claim of the petitioner/society and to take an appropriate decision within the framework of the Haryana Management of Civic Amenities and Infrastructure Deficient Municipal Areas (Special Provisions) Act, 2013, within a period of three months from the date of receipt of a certified copy of the order.

Admittedly, the Act has lapsed after a period of one year. The Act came into being on 26.09.2013 and lived upto 25.09.2014. Direction was issued by this Court to verify the claim of the petitioner within three months from the date of receipt of certified copy of this order. It is submitted that the respondents have deliberately allowed the Act to lapse and have passed the order on 13.07.2015. Had the respondent department reacted to the order passed by this Court in time then the order passed in

favour of the petitioner would have fructified.

I have heard learned counsel for the parties and after examining the available record, am of the considered opinion that there is definitely a lapse on the part of the respondent, as a result of which the petitioner had to come to this Court in this petition. They were supposed to pass the order within three months but there is no explanation as to why the order has not been passed within the stipulated time. Therefore, the respondent is burdened with a cost of ₹ 50,000/- which shall be paid to the petitioner, however, with the lapse of the Act on 25.09.2014 during the subsistence of three months from the date of passing of the order, no order could have been passed in favour of the petitioner in terms of the order passed by this Court.

Disposed of.

31st July, 2015
Shivani Kaushik

[RAKESH KUMAR JAIN]
JUDGE