

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

LPA No.385 of 2013 (O&M)
Date of Decision:- 28.09.2015.

Rattan Lal Jain

.....Appellant

Versus

State of Punjab and others

.....Respondents

**CORAM: HON'BLE MR. JUSTICE SURYA KANT
HON'BLE MR. JUSTICE P.B. BAJANTHRI**

- 1. Whether Reporters of local papers may be allowed to see the judgment?**
- 2. To be referred to the Reporters or not?**
- 3. Whether the judgment should be reported in the Digest?**

Present: Mr. N.K. Suneja, Advocate for the appellant.

Mr. K.K. Gupta, Additional A.G. Punjab.

Mr. H.P.S. Ghuman, Advocate for respondent No.3.

Mr. Jaspreet Singh, Advocate for respondent No.4.

SURYA KANT, J. (ORAL)

1.) This Letters Patent Appeal is directed against the order dated 12.12.2012 whereby learned Single Judge disposed of a bunch of writ petitions including the one filed by the appellant questioning the levy of property tax by Municipal Corporation, Patiala. The learned Single Judge relegated the writ petitioners to the alternative remedy of appeal which was available to them under the Statute.

2.) The appellant's writ petition was disposed of by a short order in terms of the order passed in the lead case, obviously, relegating the

appellant as well to the said alternative remedy.

3.) It has, however, come on record and was duly noticed by this Court on February 22, 2013 that the appellant had already availed the remedy of statutory appeal and it was after dismissal of its appeal by the Appellate Authority that he had approached this Court through **CWP No.11208 of 2009**.

4.) The avenue opened by learned Single Judge for the writ petitioners to avail the alternative remedy of appeal, thus, is not available to the appellant as he had already exhausted the same. In such eventuality, the appellant's writ petition deserves to be decided on merits after taking into consideration the contentions of both the parties.

5.) For the reasons aforesaid, we allow this appeal in part; set aside the order passed by learned Single Judge in **CWP No.11208 of 2009** and remit the case for fresh adjudication of the writ petition on merits to the learned Single Judge. The parties are directed to appear before the learned Single Judge on 19.10.2015.

6.) It is clarified that no views have been expressed on the merits and the parties shall be at liberty to raise their respective submissions before the learned Single Judge.

(SURYA KANT)
JUDGE

(P.B. BAJANTHRI)
JUDGE

September 28, 2015.

sandeep sethi