

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-12403-2014

Date of Decision: August 16, 2016

Krishan Kumar

.....Petitioner

Versus

State of Haryana and others

.....Respondents

**CORAM: HON'BLE MR.JUSTICE SURYA KANT
HON'BLE MR. JUSTICE SUDIP AHLUWALIA**

Present: Mr.Aman Pal, Advocate
for the petitioner.
Mr.R.D.Sharma, DAG, Haryana.
Mr.Harkesh Manuja, Advocate
for respondent No.6.

.....

SURYA KANT, J.

The statutory appeal filed by the petitioner against the order of Director General, Town and Country Planning, Haryana, has been dismissed by Principal Secretary of the Department vide order dated 31.10.2013 by assigning two incurable reasons, i.e. (i) the appeal is allegedly time barred; and (ii) the petitioner was not heard at all. The officer however forgot the fact that he was not holding a judicial Forum where strict rules of law of limitation are to be applied. He was to do substantial justice by deciding the claim on merits.

Secondly, the principles of natural justice have been given a complete go-bye. If at all the appeal was time-barred, the petitioner ought to

have been given an opportunity to explain the delay.

For the reasons afore-stated, we allow the writ petition in part; set aside the order, dated 31.10.2013 and remit the case to the Principal Secretary, Town and Country Planning Department, Haryana, to decide the petitioner's appeal afresh and in accordance with law.

Both the parties shall be heard and the appeal shall be decided by way of a reasoned order preferably within four months from the date of receipt of a certified copy of this order.

(SURYA KANT)
JUDGE

August 16, 2016
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(SUDIP AHLUWALIA)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No