

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

**CWP No.12966 of 2014
Date of Decision: -22.07.2016**

Daljeet Kaur

. . . . Petitioner

Versus

State of Punjab and another

. . . . Respondents

CORAM: HON'BLE MR.JUSTICE RAKESH KUMAR JAIN

Present: Mr.N.S. Kandhola, Advocate,
for the petitioner.

Mr.Anant Kataria, DAG, Punjab.

None for respondent No.4.

RAKESH KUMAR JAIN, J. (ORAL)

This petition is filed against the order of the Collector, Patiala dated 2.5.2012 and the order of the Commissioner dated 15.1.2014.

Learned counsel for the petitioner, *inter alia*, contends that the petitioner was not served before the Collector and was illegally proceeded against *ex parte*. He further submits that this plea was raised by the petitioner in para No.3 of the grounds of appeal filed before the Commissioner. The contention was though noticed by the Commissioner in para No.2 of his order but not dealt with later on. He has thus submitted that there is an error in the approach of the Commissioner while deciding his appeal.

Learned counsel for the respondents could not deny this fact as it is borne out from the record.

In view thereof, at this stage, I am of the considered opinion

he has not dealt with the contention raised by the petitioner against the order of the trial Court/Collector. It is a basic principle of law that once a plea is raised and noticed by the Court then it has to be decided either way. Consequently, the order of the Appellate Court dated 15.1.2014 is hereby set aside and the case is remanded back to him to decide it again after taking into consideration the plea raised by the petitioner in para No.3 of the grounds of appeal, by passing a speaking order dealing with all objections/contentions.

Disposed of.

Parties are directed to appear before the Commissioner on 8.8.2016.

22.07.2016

Vivek

(RAKESH KUMAR JAIN)
JUDGE