IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH.

C.W.P. No.3435 of 2010 (O&M)
DATE OF DECISION : 1.3.2016

Piccadilly Infrastructure Pvt. Ltd. PETITIONER

VERSUS

State of Punjab and others RESPONDENTS

CORAM : HON'BLE MR.JUSTICE MAHESH GROVER

1. Whether reporters of Local Newspapers 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:- Shri Vikas Cuccria, Advocate for the petitioner.

Shri Anant Kataria, D.A.G. Punjab.

Shri Sandeep Khunger, Advocate for respondent-3.

Shri H.S.Deol, Advocate for respondents 6 and 7.

MAHESH GROVER, J.

The petitioner has impugned the order dated 30.7.2009 Annexure P-12 which was passed by the Director, Local Government, Punjab under the provisions of Section 236 of the Punjab Municipal Act, 1911 (hereinafter referred to as the Act).

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Learned counsel for the respondents raise a preliminary submission to contend that any order passed under the provisions of Section 236 of the Act is amenable to revision before the competent authority under Section 237 of the Act. For the purpose of reference, Sections 236 and 237 are extracted here below :-

> "236. **Power to State Government and its officers over committees.-** (1) The State Government and Deputy Commissioner, acting under the orders of the State Government, shall be bound to require that the proceedings of the committees shall be in conformity with law and with the rules in force under any enactment for the time being, applicable to Punjab generally or the area over which the committee have authority.
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> (2) The State Government may exercise all powers necessary for the performance of his duty, and may among other things, by order in writing, annul or modify any proceeding which it may consider not to be in conformity with law or with such rules as aforesaid, or for the reasons which would in its opinion justify an order by the Deputy Commissioner under Section 232.
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> (3) The Deputy Commissioner may within (his) jurisdiction for the same purpose exercise such powers as may be conferred upon him by rule made in this behalf by the State Government.
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> 237. **General powers of (State) Government over officers.-** Notwithstanding anything in this Act, the (State) Government shall have the power of reversing or modifying any order of any officer of the (State) Government passed or purporting to

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> have been passed under this Act, if it considers it to be not in accordance within the said Act or the rules or to be for any reason inexpedient, and generally for carrying out the purposes of this Act the (State) Government shall exercise over its officers all powers of superintendence, direction and control."

On due consideration of the matter, I am of the opinion that petitioner has the alternative remedy of revision before the said authority in terms of Section 237 of the Act for which he is at liberty to approach the said authority. In case he does so within three weeks and makes an interim prayer, the same shall be considered and decided within another period of three weeks thereafter by the said authority. Needless to say that the revision, if preferred by the petitioner, shall be disposed of as expeditiously, as possible.

(MAHESH GROVER)
JUDGE

March 1, 2016
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