

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No.24247 of 2016
Date of decision: 23.11.2016

Om Parkash and another

... Petitioners

Vs.

Municipal Corporation, Gurgaon

... Respondent

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr. J.S. Hooda, Advocate
for the petitioners.

RAMESHWAR SINGH MALIK, J. (ORAL)

Feeling aggrieved against the alleged inaction on the part of respondent authorities, petitioners have approached this Court, by way of present writ petition under Article 226/227 of the Constitution of India, seeking a writ in the nature of certiorari/mandamus.

Learned counsel for the petitioners, at the very outset, fairly states that he does not intend to press this writ petition for a writ in the nature of certiorari, for the time being. He further submits that although the petitioners have already approached respondent by way of their statutory appeal dated 18.10.2016 (Annexure P-6), yet neither the appeal is fixed for hearing nor any interim order has been passed and due to this reason, petitioners are facing serious threat of demolition of their residential property. He also submits that petitioners will be satisfied in case respondent is directed to look into the appeal/representation dated 18.10.2016 (Annexure P-6) of the petitioners and till then, the order dated 10.10.2016 (Annexure P-5) passed by Joint

Commissioner, Municipal Corporation, Gurgaon may be ordered to be kept in abeyance.

Having heard the learned counsel for the petitioners and without expressing any opinion on merits of the case, lest it should prejudice the rights of either of the parties, present writ petition is disposed of, with a direction to Commissioner, Municipal Corporation, Gurgaon-respondent to consider the appeal/representation dated 18.10.2016 (Annexure P-6) filed by the petitioners and decide the same at an early date by passing an appropriate order thereon, strictly in accordance with law.

However, keeping in view the peculiar facts and circumstances of the case and also to ensure that statutory right of the petitioners by way of their appeal/representation (Annexure P-6) may not get defeated, it is directed that till the appropriate order, including the interim order is passed by the appellate authority-respondent, the order dated 10.10.2016 (Annexure P-5) passed by Joint Commissioner, Municipal Corporation, Gurgaon shall be kept in abeyance.

With the abovesaid observations made and directions issued, instant writ petition stands disposed of.

[RAMESHWAR SINGH MALIK]
JUDGE

23.11.2016
vishnu

Whether speaking/reasoned Yes/No

Whether reportable Yes/No