

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No.952 of 2014
Date of decision: 26.08.2016

R.P.S. Brar

... Petitioner

Vs.

Municipal Corporation Patiala and others

... Respondents

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr. Vikas Kuthiala, Advocate
for the petitioner.

Mr. Baljinder Singh, Advocate
for respondents No.1 & 2.

Mr. Vikas Bahl, Senior Advocate with
Mr. Arjun Kundra, Advocate
for respondents No.3 (1) and (2).

RAMESHWAR SINGH MALIK, J. (ORAL)

Learned counsel for the petitioner, at the very outset, fairly states that civil litigation between the parties is pending.

Learned counsel for the parties are ad idem that ultimately the Civil Court decree will prevail upon between the parties.

In this view of the undisputed fact situation obtaining on the record, present writ petition deserves to be disposed of, with the direction that the Civil Court decree shall prevail upon between the parties. However, one request made by learned counsel for the petitioner regarding order dated 12.01.2015 deserves to be accepted to the effect that the authorities of the

respondent State may be directed to take the matter to its logical end.

On 12.01.2015, the following order was passed by this Court: -

“CM No. 12740 of 2014

This is an application for placing the replication on record. Application is allowed as prayed for. Replication is taken on record. Registry is directed to page mark the paper book accordingly.

C.W.P. No 952 of 2014

Learned counsel for respondent Nos. 1 & 2 has apprised the court that pursuant to directions given in C.W.P. No. 7200 of 2009, a fresh order has been passed by the Municipal Corporation upholding the earlier revocation order dated 7.3.2014. He further submits that since the Corporation has only filed short reply, there is necessity to file a detailed reply. Prayer is accepted. Needful be done within two weeks. Needless to observe that pursuant to the revocation order, Corporation is at liberty to act in accordance with law.

Learned State counsel may also apprise the court about the stand of State Government pursuant to enquiry report submitted by N.S.Kang, Principal Secretary to Government of Punjab, Chandigarh.

Adjourned to 3.3.2015.”

Learned counsel for the State submits that appropriate action has already been initiated against the erring officers/officials.

In this view of the matter, competent authority is directed to

expedite the matter and take the same to its logical end at an early date, by passing appropriate orders, strictly in accordance with law.

At this stage, learned counsel for the petitioner also submits that application under Order 39 Rules 1 & 2 of the Code of Civil Procedure is pending decision before the learned trial Court for a period of more than two years. He prays for issuing appropriate directions to the learned trial Court to decide the application at an early date.

It goes without saying that the learned trial Court is to pass appropriate order on the application moved under Order 39 Rules 1 & 2 of the Code of Civil Procedure. However, if the application is still pending decision, the learned trial Court shall ensure passing of the appropriate order thereon, disposing of the said application at an early date.

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

26.08.2016

vishnu

[RAMESHWAR SINGH MALIK]
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No