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

**CWP No.7810 of 2011 (O&M)
Date of Decision : March 02, 2017**

SATWINDER SINGH

....Petitioner

VERSUS

MUNICIPAL COUNCIL JAGRAON AND OTHERS

....Respondents

CORAM : HON'BLE MR. JUSTICE M.M.S. BEDI

Present: Mr. Gurcharan Dass, Advocate for the petitioner.
Mr. J.S. Toor, Advocate for respondent Nos.1 to 4.
Mr. N.S. Dadwal, Advocate for respondents No.5 to 7.

M.M.S. BEDI, J (ORAL)

The petitioner has challenged the order dated 08.12.2010, 10.12.2010 and 15.12.2010 issued by Executive Officer, Municipal Council, Jagraon, respondent No.3 (Annexures P-14, P-18 and P-21) respectively, claiming that the site plan already sanctioned vide application No.102 dated 29.10.2010 has been cancelled illegally.

Counsel for the petitioner has vehemently contended that the Municipal Council, Jagraon has not actually passed the order for cancellation of the site plan but with mala fide intention the order has been passed by Executive Officer, Municipal Council in his individual capacity. He has also submitted that there is no land vested in any other person or authority regarding which the site plan has been filed and sanctioned earlier.

I have heard counsel for the petitioner who has contended that the order is illegal and factually wrong and is violative of rules of natural justice. Counsel for the petitioner also argued that the petitioner had filed the civil suit for mandatory injunction for removal of the shop which was dismissed but in appeal filed against the said order, the order passed by the lower Court had been set aside and appeal was allowed. The regular second appeal filed by respondents stands dismissed.

I have taken into consideration all the facts and circumstances of the case and I am of the opinion that the writ petition is not maintainable and it is pre-mature as the petitioner has got an alternative remedy under Sections 189 and 195 of the Punjab Municipal Act to file appeal before the Committee.

This petition is disposed of with a direction that in case the petitioner avails the alternative remedy by filing an appeal within a period of one month, the same shall be entertained considering the period spent in the present writ petition, under Section 14 of the Limitation Act. It will be open to the petitioner to raise all the pleas of law and facts and seek adjudication on merits.

Nothing mentioned in this order will prejudice the right of either of the parties before the said authorities.

(M.M.S. BEDI)
JUDGE

March 02, 2017

rajneesh

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