

136 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-20783-2017(O&M)
Date of decision : 13.09.2017

Rajender Kumar and others Petitioners

versus

State of Haryana and others Respondents

CORAM : HON'BLE MR. JUSTICE RAKESH KUMAR JAIN

Present: Mr. S.S.Sahu, Advocate for the petitioners.

RAKESH KUMAR JAIN, J. (Oral)

The petitioner had earlier approached this Court by way of CWP No. 16095 of 2017 on being aggrieved against the resolution dated 27.01.2017 passed by the Municipal Committee, Bhuna. The said petition was, however, withdrawn by the petitioner, realising that the Deputy Commissioner has the jurisdiction to suspend such resolution in terms of Section 246 of the Haryana Municipal Act, 1973. In the order dated 26.07.2017, this Court had ordered that in case such application is filed by the petitioners within a week from the date of passing of the order, the Deputy Commissioner, Fatehabad shall consider that application in accordance with law.

Learned counsel for the petitioner has submitted that the application was filed before the Deputy Commissioner, Fatehabad on 31.07.2017 for seeking suspension of the resolution but so far nothing has been done. To my mind, the present petition is totally misconceived as the remedy is available to the petitioners somewhere else may be by filing a

petition under the Contempt of Courts Act, 1971 because the direction issued by this Court has not been complied with.

Faced with this observation, learned counsel for the petitioner prays for withdrawal of the petition in order to avail his remedy accordingly.

Dismissed as withdrawn.

Liberty granted.

(RAKESH KUMAR JAIN)
JUDGE

September 13, 2017
sunita

Whether speaking/reasoned Yes/No

Whether Reportable Yes/No