

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

**CWP No.6472 of 2017
Date of decision:29.03.2017**

Smt. Amandeep Kaur & others ... Petitioner

Vs.

Commissioner, Ambala and others ... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. Rajinder Goyal, Advocate
for the petitioners.

AMIT RAWAL J. (Oral)

The grievance of the petitioner in the present writ petition is that against the order dated 06.03.2017 rendered by the Deputy Commissioner while rejecting resolution of the Municipal Committee, Kaithal for raising construction of the Community Centre on a particular khasra number was ordered for construction of the same on different khasra number which according to Mr. Rajinder Goyal, Advocate, is without jurisdiction. Having left with no other option, the petitioner preferred an objection under Section 249 of Haryana Municipal Act, 1973 before the Commissioner at Ambala along with an application for interim stay. Since there is no Commissioner at Ambala, dual charge has been assigned to the Commissioner at Rohtak and owing to the aforementioned anomalous situation, predicament of the petitioner is writ large. He, thus, urges this Court for issuance of an appropriate direction to the Commissioner at

Rohtak for deciding the objection along with interim application within a stipulated period.

I have heard learned counsel for the petitioner, appraised the paper book and of the view that since it is a disputed question of fact and the objection has been filed under Section 249 of Haryana Municipal Act, 1973, I deem it appropriate to direct the Commissioner, Rohtak who is having dual charge of the Commissioner Ambala as well, whereby, the objection is stated to be pending, for deciding the objection along with interim application within a period of one month from the date of receipt of certified copy of this order as this Court has been informed that next date of hearing in the objection is 07.07.2017 and no party can remain remediless. A copy of this order be also sent to the office of Advocate General, Haryana for compliance.

Till he decides the objection and interim application, there shall be stay qua construction of Community Centre at different places other than the one mentioned in Resolution No.1 dated 31.01.2017.

It is made clear that the Commissioner, Rohtak shall decide the objection and interim application independently uninfluenced with the observations made hereinabove.

(AMIT RAWAL)
JUDGE

March 29, 2017
savita

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No