

*IN THE HIGH COURT FOR THE STATES OF PUNJAB
AND HARYANA AT CHANDIGARH.*

CWP 9116 of 2017
Date of decision: 1.5.2017

Rajwinder Kaur

Petitioner

vs.

State of Punjab and anr

Respondent

Present: Mr. Rajiv Sharda, Advocate.

M.M.S.BEDI,J.

Through the instant writ petition, the petitioner seeks a direction to the respondents to consider her legal notice dated 28.3.2017 (Annexure P-5), containing her claim for route permit.

It appears that the petition has been filed in hurry without waiting for atleast a period of two months from the service of legal notice.

Counsel for the petitioner has submitted that two months period is required for consideration u/s 80 (I) CPC in case a person has to file a civil suit before a civil court.

I have considered the said contention of the counsel for the petitioner and I am of the opinion that the spirit of Section 80 CPC , which requires the Govt. Authority to consider the legal notice within a period of two months, has got an objective i.e. a reasonable time has to be given to an authority to consider the legality of the claim of a person and to take a decision. Even if, it is presumed that no notice u/s 80 CPC is required for a writ petition, even then analogy can be drawn from the said section for the period in which authority is required to consider the claim of the petitioner.

The petition is thus pre-mature and is disposed of as such with liberty to the petitioner to file fresh petition after 28.5.2017 or to again approach the competent authority ascertaining the claim for expeditious disposal.

May 1 ,2017
TSM

(M.M.S.BEDI)
JUDGE

Whether speaking/ reasoned

Yes/ No

Whether Reportable

Yes/ No