

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP-338-2020

Date of Decision:-16.01.2020.

Dharampal Singh

.....Petitioner

Versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE SANJAY KUMAR

Present: Mr. Sachin Mittal, Advocate for the petitioner.

Mr. Rajesh Gaur, Additional A.G. Haryana for
respondent Nos.1 to 3.

SANJAY KUMAR, J. (Oral)

The grievance of the petitioner is that the Commissioner, Municipal Corporation, Gurugram, State of Haryana, is not deciding his appeal, which was instituted as long back as in the year 2014.

Perusal of the record reflects that the petitioner earlier approached this Court by way of CWP-1981-2014, which was disposed of by order dated 06.03.2014 relegating him to the remedy of appeal and directing that till a decision was taken by the Municipal Corporation, be it in the stay application or in the main appeal, no coercive steps should be taken against the petitioner.

Mr. Sachin Mittal, learned counsel for the petitioner, would assert that pursuant to the aforestated order, the petitioner preferred an

appeal before the Commissioner, Municipal Corporation, Gurugram, in April, 2014, but no steps are being taken by the appellate authority to dispose of the same.

In the light of the order proposed to be passed, it would not be necessary to afford the respondents an opportunity of hearing.

As the petitioner was relegated to the remedy of appeal by this Court and he claims to have instituted an appeal long ago, it is not open to the appellate authority to sleep over the same indefinitely.

The writ petition is accordingly disposed of directing the Commissioner, Municipal Corporation, Gurugram, the second respondent, to forthwith take up the petitioner's appeal, if not disposed of already, and pass appropriate orders thereon in accordance with law. The appellate authority shall give due opportunity of hearing to the petitioner before passing a final order. This exercise shall be completed expeditiously and in any event, not later than eight weeks from the date of receipt of a certified copy of the order.

No order as to costs.

(SANJAY KUMAR)
JUDGE

January 16, 2020.

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Whether speaking/reasoned:-

Yes / No

Whether Reportable:-

Yes / No.