

(PROCEEDINGS THROUGH VC)

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH.

CWP No.17422 of 2020

Date of decision: October 16, 2020

Rinka Puri and others

...Petitioners

Versus

State of Punjab and another

...Respondents

CORAM: **HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH**
HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present: Mr. Sunil Chadha, Senior Advocate with
Mr. Akshay Chadha, Advocate for the petitioners.

Mr. S.P.S. Tinna, Additional Advocate General, Punjab for
respondents No.1 & 2.

Augustine George Masih, J. (oral)

Petitioners have approached this court with a grievance that the objections, which have been submitted by them, dated 17/18.09.2020 (Annexure P-5-colly) to the Municipal Commissioner, Municipal Corporation, Pathankot, be considered prior to the finalization of the Notification under Rule 8 (2) of the Delimitation of Wards of Municipal Corporation Order, 1995 (hereinafter referred to as "1995 Order").

It is the contention of learned Senior counsel for the petitioners that in pursuance to the notification with regard to delimitation of the wards, objections were invited by the Director, Local Government, Punjab (Annexure P-2). In pursuance thereto, Draft Rules have been framed, according to which objections were called for on or before 18.09.2020 to be submitted in the office of Municipal Corporation, Pathankot. In pursuance thereto, petitioners submitted their objections, copy of which is Annexure P-5 (colly). The apprehension of the petitioners is that without considering the objections submitted by them, the competent authority i.e. the Secretary, Department of Local Government, Punjab

would proceed and issue the final notification. A prayer has, thus, been made for issuance of a writ of mandamus to consider the objections filed by the petitioners against the Draft Notification dated 07.09.2020 before passing of the final order under Rule 8 (2) of the 1995 Order.

Mr. S.P.S. Tinna, learned Additional Advocate General, Punjab, who has put in appearance on behalf of respondents No.1 and 2, has informed the Court that the Commissioner, Municipal Corporation, Pathankot has forwarded the objections submitted by the petitioners to the Additional Chief Secretary, Department of Local Government, Punjab (respondent No.1).

In the light of the above factual position as well as the mandate of the statute, especially as laid down in Section 8 of the 1995 Order, this court is sanguine that the competent authority i.e. the Additional Chief Secretary, Department of Local Government, Punjab- respondent No.1 shall consider the objections of the petitioners prior to passing of the final order under Rule 8 (2) of the 1995 Order.

In the light of the above, the present petition stands disposed of.

(AUGUSTINE GEORGE MASHI)
JUDGE

(ASHOK KUMAR VERMA)
JUDGE

October 16, 2020
'Rajpal'

Whether speaking / reasoned
Whether Reportable:

Yes / No
Yes / No