

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No. 228 of 2020
Date of Decision:08.01.2020

Rajesh KumarPetitioner

Versus

Commissioner, Roopnagar, Division Roopnagar and others

..... Respondents

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr.Aditya Dassaur, Advocate
for the petitioner.

Mr. Abhaypal Singh Gill, AAG., Punjab.

LISA GILL, J(Oral).

Prayer in this petition is for quashing of order dated 24.09.2019 (Annexure P-8), passed by respondent no.1-Commissioner, Roopnagar, Division, Roopnagar as well as order dated 26.11.2018 (Annexure P-6) passed by respondent no.2-District Magistrate, Nawanshahr, District SBS Nagar.

Learned counsel for the petitioner submits that the learned Commissioner, Roopnagar, has dismissed the petitioner's appeal by passing a totally nonspeaking and laconic order, without adverting to the pleas raised by the petitioner. It is submitted that the learned District Magistrate has incorrectly observed that the petitioner suffered a statement to the effect that the petitioner had faced no threat to his life. These facts were succinctly explained before the Appellate Authority which has also not considered the same at all.

Notice of motion.

Mr. Abhaypal Singh Gill, AAG., accepts notice on behalf of the respondents.

Order dated 24.09.2019, passed by the Commissioner, Roopnagar, reads as under:-

- “1. This/ these case/s has/ have been filed by applicant/s – petitioner/s- revisionist/s detailed in the head note of this order.
2. Order/s that has/have been challenged has/have been mentioned in the head note of this order and they can be referred to for knowing the facts of the case.
3. Counsel/s for the relief seeker/s has/have asserted that the order/s passed by lower court/s is/are illegal and their genuine assertions have not been taken in to consideration. Gross injustice has been meted to them and hence legal relief due to them may be given.
4. After considering the submissions/assertions put forth by the contestant/s I am of the view that the Additional District Magistrate has passed a reasonable and legal order and I do not think that there is need for any interference in it. Hence dismiss the appeal.”

It is apparent that the pleas raised by the petitioner have not even been adverted to, much less considered and adjudicated upon.

In the given facts and circumstances of the case, order dated 24.09.2019, passed by the Commissioner, Roopnagar, is set aside and the matter is remanded to the Commissioner, Roopnagar, for a decision afresh after affording an opportunity of hearing to the parties, in accordance with law. It is clarified that there is no expression of opinion on the merits of the case, which needless to say, shall be adjudicated upon by the Commissioner, Roopnagar, in accordance with law.

Parties be intimated of the date of hearing within the next three

weeks by the competent authority.

Petition is accordingly disposed of.

08.01.2020

s.khan

Whether speaking/reasoned : Yes/No.

Whether reportable : Yes/No.

[LISA GILL]

Judge