

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

204

CWP No.11573 of 2020
Date of decision: 13.01.2021

Zile Singh and Anr.

.....Petitioners

Vs.

State of Haryana and ors

....Respondents

CORAM: Hon'ble Mr. Justice Girish Agnihotri

Present: Mr. Vikram Singh, Advocate for the petitioners.

Ms. Safia Gupta, AAG, Haryana.

Mr. Deepak Manchanda, Advocate
for respondents No.3 and 4.

*(the aforesaid presence is being recorded through video
conferencing since the proceedings are being conducted in Virtual Court).*

GIRISH AGNIHOTRI, J. (Oral)

Petitioners – Zile Singh and Arun Kumar, stated to be aged 76 and 44 years respectively, have jointly filed the present writ petition *inter alia* with a prayer for staying the operation of impugned orders dated 21.07.2020 (Annexures P-4 and P-5) passed by respondent No.4 during the pendency of the Appeal as well as stay application dated 27.07.2020 (Annexure P-6) till the decision of the stay application as the Ld. Commissioner is not holding the Court.

Records of the case show that vide order dated 17.08.2020, notice of motion was issued. It was further directed that no coercive steps shall be taken against the petitioners, in pursuance to the impugned orders dated

21.07.2020 (Annexures P-4 and P-5).

Short reply on behalf of respondent No.1 has already been filed.

Learned counsel for respondents No. 3 and 4 has also shared a copy of the reply on the Whatsapp Group on their behalf.

Learned counsel for the petitioners is not able to dispute the fact that against the impugned order (passed by Joint Commissioner) appeal is maintainable before the Commissioner. However, he submits that due to inadvertence and bona fide mistake, the appeal was filed before the Divisional Commissioner, Karnal. He also submits that he may be granted 15 days time to file appeal before the Commissioner, in accordance with law. Learned counsel further makes a request that till the decision on the application for stay filed by the petitioner before the Appellate Authority, the interim protection granted by this Court on 17.08.2020, be ordered to continue.

Learned counsel for the respondents submits that the remedy for the petitioners was to file an appeal before the Commissioner. He, however, has not been able to dispute the other factual position as noticed above.

Heard learned counsel for the parties.

In view of the above, the present writ petition is disposed of by granting permission to the petitioners to file an appeal before the Commissioner, Municipal Corporation, Karnal, within 15 days from today.

Learned counsel for respondents No.3 and 4 submits that in case, the petitioners file the same before the Commissioner, Municipal Corporation, Karnal, within 15 days, they would not raise objection on

the limitation and the same shall be decided on merits.

It is further directed that till the decision by the Competent Authority on the application for interim stay, the interim directions given by this Court on 17.08.2020 shall continue.

Ordered accordingly.

(GIRISH AGNIHOTRI)
JUDGE

13.01.2021
 jyoti3

Whether speaking/ reasoned:	Yes/No
Whether Reportable:	Yes/No