

**132 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

RSA-178-2022 (O&M)

Date of decision: 03.02.2022

Executive Officer, Municipal Council, Ahmedgarh, Tehsil Malerkotla,
District Sangrur

....Appellate

Versus

Krishan Kumar and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. J.S.Toor, Advocate for the appellate

ANIL KSHETARPAL, J (Oral)

The hearing of the case is being held through video conferencing on account of restricted functioning of the Courts.

The Municipal Council, Ahmedgarh, assails the concurrent findings of fact arrived at by the courts below, while decreeing the suit filed by the plaintiff for grant of damages to the tune of Rs.2,00,000/- on account of sheer negligence of its officials. The plaintiffs (respondents herein) are physically disabled. They were running K.K.Plastic Industry which was shifted in November, 2010. Despite repeated applications, the Municipal Council did not carry out the correction in the municipal record and rather slapped the plaintiffs with a house tax notice on the ground that the premises are being used for commercial purpose. The plaintiffs were made to run from pillar to post for a number of years. They had to file a writ petition to get the entry in the municipal record corrected. In the departmental proceedings, the Municipal Council itself has held its officials guilty of negligence.

Both the courts, on appreciation of evidence, have found

that the plaintiffs were harassed and troubled without any reason. Thus, both the courts have decreed the suit awarding damages to the plaintiffs to the extent of Rs.2,00,000/-.

Learned counsel representing the appellant contends that no doubt an application was submitted for correction of the record, however, such correction do take time. A permission is required to be sought from the Secretary, Local Bodies, before carrying out the required correction.

From the careful reading of the file, it is apparent that the Municipal Council itself found its officials thoroughly negligent in performing their duties. The public servants are appointed to serve the public and not to harass them. On the one hand, the officials of the Municipal Council failed to carry out the correction and on the other hand, the plaintiffs were slapped with a demand notice.

In view thereof, no ground to interfere is made out.

Hence, dismissed.

All the pending miscellaneous applications, if any, are also disposed of.

03.02.2022

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)

JUDGE