

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

CWP No.25018 of 2021

Date of Decision: 17.02.2022

Abdul Razak Khan

... Petitioner

Versus

Union Territory, Chandigarh and others

... Respondents

**CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH
HON'BLE MR. JUSTICE SANDEEP MOUDGIL**

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

Mr. Suneel Jain, Addl Standing Counsel
for respondent No.1 to 3.

Mr. Gaurav Mohunta, Advocate
for respondent No.4.

AUGUSTINE GEORGE MASIH, J. (ORAL)

On 10.12.2021, following order was passed:

“It is the contention of the counsel for the petitioner that vide impugned order dated 7.10.2021, Collector, UT, Chandigarh has in the order relied upon order of Division Bench of this Court in Anar Singh v. Commissioner, Rohtak Division, Rohtak and others; 2014 (2) RCR (Civil) 258 and held that the said authority did not have jurisdiction to adjudicate the case as well as the appeal and disposed of the appeal which was pending before the said authority. However, in the order, there is an observation that order dated 2.5.2014 passed by Assistant Collector, 1st Grade/SDM (E) would become operative. This the counsel for the petitioner contends is contrary to the law laid down by the Division Bench of this Court in Anar Singh's case (supra).

Mr. Sumeet Jain, Advocate, counsel for the respondent puts in appearance on behalf of the respondents and prays for an adjournment to seek instructions from respondent No.4- Municipal Corporation, Chandigarh.

List on 21.12.2021.”

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In pursuance thereto, response has been received by way of affidavit of the Superintending Engineer (B&R), Municipal Corporation, Chandigarh dated 15.02.2022, which is taken on record.

Learned counsel for the parties are *ad idem* as also this Court that the question which has been posed by the counsel for the petitioner as recorded in the above order is not an order of the competent authority, rather the same are the submissions recorded by learned counsel for the Municipal Corporation, Chandigarh before the said authority. The said observations have nothing to do with the final orders which have been passed by the Deputy Commissioner-cum-Collector, UT, Chandigarh dated 07.10.2021 (Annexure P-8).

In the light of the above, we dispose of the present writ petition with liberty to the parties to avail of their remedy in accordance with law.

(AUGUSTINE GEORGE MASIH)
JUDGE

(SANDEEP MOUDGIL)
JUDGE

17.02.2022

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Whether speaking/reasoned:
Whether Reportable:

Yes/No
Yes/No