

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No.25994 of 2023
Date of decision : 20.11.2023

Makhan Singh

..... Petitioner

Versus

State of Haryana and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. S. S. Sahu, Advocate
for the petitioner.

RAJESH BHARDWAJ, J. (Oral)

Present writ petition has been filed for setting aside the impugned order dated 16.10.2023 (Annexure P-3) passed by respondent No.3-Deputy Commissioner, Fatehabad and order dated 04.10.2023 (Annexure P-1) passed by respondent No.4-Sub Divisional Officer (Civil) Ratia being illegal, null and void vide which the appeal filed by the petitioner has been dismissed being not maintainable by the Deputy Commissioner, Fatehabad whereas appeal is maintainable and the same has been wrongly dismissed, therefore, the impugned order dated 16.10.2023 (Annexure P-3) passed by respondent No.3 is liable to be set aside. Further prayer has been made for staying the operation of impugned order dated 16.10.2023 (Annexure P-3) passed by respondent No.3 and order dated 04.10.2023 (Annexure P-1) passed by respondent No.4 during the pendency of the present writ petition.

Learned counsel for the petitioner has submitted before this Court that the petitioner has challenged the order dated 04.10.2023 whereby Rajesh Kumar i.e. respondent No.5 was appointed as Chowkidar of the village Bharpur. He submits that thereafter, the appeal filed by the petitioner against the said order before the learned Deputy Commissioner, Fatehabad was dismissed on the ground of non-maintainability vide order dated 16.10.2023 passed by respondent No.3 before this Court.

Notice of motion to the official respondents at this stage.

On asking of the Court, Ms. Upasna Dhawan, AAG, Haryana appears and accepts notice on behalf of respondents No.1 to 5. She, however has submitted that the impugned order has been passed by the Sub Divisional Officer (Civil)-cum-Assistant Collector, First Grade, Ratia exercising the powers of Deputy Commissioner and further remedy of the petitioner lies before the Divisional Commissioner.

In view of the above position, the present petition is disposed of with liberty to the petitioner to avail the alternative remedy as available to him in accordance with law.

(RAJESH BHARDWAJ)
JUDGE

20.11.2023
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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No