

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

**CWP-10308-2024
Date of decision: 06.05.2024**

Sushila Ahlawat

..... Petitioner

versus

State of Haryana and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Sapan Ahlawat, Advocate
for the petitioner.

RAJESH BHARDWAJ J.

Prayer in the present application is for issuance of writ in the nature of certiorari for quashing of impugned order dated 20.12.2023 (Annexure P1) passed by Ld. Court of Divisional Commissioner, Rohtak being illegal and against Rule of Law and principle of natural justice, in view of the facts and circumstances detailed therein with a further prayer to direct respondent No.2 to decide the delay application and appeal challenging I.A. 88/2023 afresh, after hearing and giving an opportunity to the petitioner to file objections in the proceedings initiated by respondent No.3 before respondent No.2 and for staying the operation of impugned order dated 20.12.2023 (Annexure P-1) during the pendency of this petition.

The precise grievances raised by the counsel for the petitioner is that respondent No.3 has availed two remedies at one and the same time against the impugned notice issued as he has filed the civil suit before the Court below and the same is pending adjudication and on the other hand he approached the statutory authorities for the redressal of his grievances.

He submits that the petitioner filed an application under Order 1 Rule 10

before the Civil Court, however, the same was declined. He submits that the Appellate Authority has now remanded the case to respondent No.4- Commissioner, Municipal Corporation, Rohtak for passing a speaking order after hearing respondent No.3. It is submitted that on a complaint filed by the petitioner, the notices were issued but he has not been heard and thus, he prays that the authority should hear respondent No.3 and petitioner as well.

Notice of motion.

On the asking of the Court, Ms. Upasana Dhawan, A.A.G., Haryana, accepts notice on behalf of the respondent-State. Mr. Rajesh Gaur, Advocate has accepted notice on behalf of respondent No.4 and has stated that the Commissioner, Municipal Corporation, Rohtak will decide the matter after affording an opportunity of being heard to the petitioner and respondent No.3 also.

This Court does not find any ground to interfere in the order impugned herein whereby the case has been remanded to respondent No.4 for passing a speaking order. However, respondent No.4 would also provide an opportunity of being heard to the petitioner as well before passing the speaking order.

Disposed of as in accordance with law.

(RAJESH BHARDWAJ)
JUDGE

06.05.2024
ps-I

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