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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

2024:PHHC:057099

CWP-9569-2024

Date of Decision: 26.04.2024

Sanjay Kumar and another

..... Petitioners

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Rakesh Nagpal, Advocate, for the petitioners.

Rajesh Bhardwaj, J. (ORAL)

Prayer in the present petition is for quashing the order dated 20.02.2024 (Annexure P-11) passed by the Deputy Commissioner, Ludhiana whereby the Tehsildar (West), Ludhiana has been directed to change the mutation, being without jurisdiction and against the principles of natural justice. Further prayer has been made to stay the operation of the impugned order dated 20.02.2024.

At the outset, learned counsel for the petitioners has submitted that respondent No.3 has passed the order regarding the cancellation of Mutation No.40192 which was in favour of the petitioners without hearing them. He has submitted that neither the Deputy Commissioner had jurisdiction nor he could pass the impugned order without giving any opportunity of hearing to the petitioners in whose favour the mutation was entered. He has submitted that impugned order is without jurisdiction and totally in violation of the principles of natural justice and thus, being unsustainable in the eyes of law, deserves to be set aside.

Notice of motion to the official respondents only.

Mr. Navneet Singh, Sr. DAG, Punjab, accepts notice on behalf of the respondent-State. However, he has submitted that the impugned order is

assailable in accordance with law and thus, the present petition is not maintainable.

After hearing learned counsel for the parties, the present petition is disposed of with liberty to the petitioners to avail their remedy against the impugned order by filing an appropriate appeal/revision before the appropriate authority within 10 days from today. If any such appeal/revision is filed, the same will be decided by the concerned authority after hearing the affected parties concerned. Operation of the impugned order dated 20.02.2024 (Annexure P-11) shall remain stayed till the filing of the such appeal/revision.

Needless to say that if the petitioners fail to file any such appeal/revision within the stipulated period mentioned above, this interim order would be of no avail to them.

26.04.2024
sharmila

(RAJESH BHARDWAJ)
JUDGE
Whether Speaking/Reasoned : Yes/No
Whether Reportable : Yes/No