



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-12393-2024
Date of decision : 30.05.2024

Smt Varsha Yadav

.....Petitioner

versus

Municipal Council, Rewari and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Jai Vir Yadav, Senior Advocate with
Ms. Parul, Advocate for the petitioner.

Mr. Ashish Yadav, Advocate
for the respondents.

RAJESH BHARDWAJ, J. (Oral)

Present civil writ petition has been filed for quashing the order contained in the Letter Memo No.1358/XEM/MC, Rewari, dated 08.10.2020 issued by Executive Officer, Municipal Council, Rewari under the stated provision of Haryana Building Code-2017 (Annexure P-13). Further prayer has been made for staying the operation of impugned order/letter dated 08.10.2020 (Annexure P-12) and also, if any, action taken thereto in pursuant to impugned Order/Letter dated 08.10.2020 (Annexure P-12).

Vakalatnama has been filed on behalf of the respondents in the Court today and same is taken on record.

Learned Senior counsel for the petitioner has submitted that without hearing the petitioner, the sanctioned plan has been revoked and thus, the same is totally in utter violation of the principles of the *audi alteram partem*.



Learned counsel for the respondents, however, submits that the petition is not maintainable as the remedy to the petitioner lies before the Deputy Commissioner. He submits that the petitioner never availed the remedy by approaching the Deputy Commissioner and thus, the present petition is not maintainable. He submits that if the petitioner files an appropriate representation before the Deputy Commissioner, Rewari, the same would be decided after providing personal hearing to the petitioner. Learned counsel for the respondents has also submitted that the Deputy Commissioner, Rewari is not a party in the present petition.

On oral request made by learned counsel for the petitioner, the Deputy Commissioner, Rewari is impleaded as Respondent No.3 in the present petition. Amended memo of parties is taken on record.

Learned counsel for the petitioner has submitted that the petitioner be granted liberty to file appropriate representation before respondent No.3 i.e. Deputy Commissioner, Rewari and he be directed to decide the same expeditiously.

Notice to newly added respondent No.3.

On the asking of the Court, Ms. Upasana Dhawan, A.A.G., Haryana, accepts notice on behalf of respondent No.3-State. She has submitted that if the petitioner files any such representation before respondent No.3 i.e Deputy Commissioner, Rewari, then respondent No.3 would decide the same expeditiously.

Heard.

After hearing both the parties and perusing the record, the present petition is disposed of with liberty to the petitioner to file her appropriate representation for the redressal of her grievance before

respondent No.3 as prayed for within a period of 10 days from today then the same will be decided by respondent No.3 i.e. Deputy Commissioner, Rewari, and would deal with the same by giving personal hearing to the petitioner and he would pass a speaking order in accordance with law within a period of four weeks from the date of its filing.

No coercive action shall be taken against the petitioner till the decision is taken by respondent No.3 i.e. Deputy Commissioner, Rewari on the representation as stated above.

30.05.2024
ps-I

(RAJESH BHARDWAJ)
JUDGE

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