

CWP-20061-2020

Date of Decision:14.02.2024

Moti Lal and another

..... Petitioners

Versus

Municipal Corporation and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Nitin Jain, Advocate, for the petitioners.

Mr. Rajesh Gaur, Advocate, for the respondents.

Rajesh Bhardwaj, J. (ORAL)

Prayer in the present petition is for quashing of the Noting given the nomenclature of order dated 28.09.2020 (Annexure P-4) passed by respondent No.6- Executive Engineer and approved by respondent No.2- Commissioner on the record made by respondent No.5- Building Inspector dated 28.08.2020 (Annexure P-3) and for quashing the show cause notice dated 16.09.2020 (Annexure P-1) issued against a dead person issued on behalf of respondent No.4 – Deputy Municipal Commissioner, Hisar, being totally without jurisdiction, having not been issued by the Competent Authority as defined under Section 2 (4A) read with Section 408A of Haryana Municipal Corporation Act, 1994, in the light of the facts enumerated in the present writ petition and for the grant of other prayer as raised in this petition.

Learned counsel for the petitioners has submitted that the impugned order has been passed without taking into consideration the reply filed by the petitioners.

However, learned counsel for the respondents has submitted that reply filed by the petitioners would be taken into consideration. He submits that respondent No.3- Joint Commissioner, Municipal Corporation, Hisar would pass

a fresh order after taking into consideration the reply filed by the petitioners and giving them opportunity of personal hearing.

After hearing learned counsel for the parties, the present petition is disposed of with a direction to respondent No.3- Joint Commissioner, Municipal Corporation, Hisar to pass fresh order after taking into consideration the reply filed by the petitioners and giving them opportunity of personal hearing within a period of four weeks from the date of receipt of certified copy of this order.

Till the decision is taken by respondent No.3, no coercive action would be taken against the petitioner.

(RAJESH BHARDWAJ)
JUDGE

14.02.2024
sharmila

Whether Speaking/Reasoned :	Yes/No
Whether Reportable :	Yes/No