

IN THE PUNJAB AND HARYANA HIGH COURT AT
CHANDIGARH.

207

CWP-8308-2018 (O&M).
Date of Decision: 11.03.2024.

S. LAKHMIR SINGH

... Petitioner(s)

Versus

UNION TERRITORY AND OTHERS

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ.

Present: Mr. Amrik Singh, Advocate,
for the petitioner.

None for respondent No.1.

Mr. Suman Jain, Advocate, and
Mr. Rishabh Jain, Advocate, for respondents No.2 and 3.

VINOD S. BHARDWAJ, J. (ORAL)

Challenge in present writ petition is to the communication bearing Memo No.2416 dated 22.03.2018 (Annexure P-9) issued by respondent No.3 i.e. the Executive Engineer, Municipal Corporation, Public Health Division No.2, Manimajra, U.T. Chandigarh, to the petitioner whereby he has been directed to deposit R.1,93,733/- failing which his water connection will be disconnected.

At the very outset, a question was put to the counsel for the petitioner that it is incomprehensible as to how a communication/response issued in lieu of a letter gives a cause of action to approach the High Court and that the appropriate remedy would have been to agitate the said issue before the competent Forum as prescribed under law.

Faced with the above, counsel for the petitioner contends that the grievance of the petitioner primarily espouses from the order passed by the Municipal Corporation on 27.07.2009 against which an appeal had been preferred before the Chief Engineer, Municipal Corporation, exercising the powers as Chief Level Dispute Redressal Committee as per the Notification dated 28.12.2006. It is submitted that even though the respondent-Municipal Corporation in its reply furnished before this Court has denied submission of any such appeal before the statutory appellate Authority, however, it is evident from a perusal of the information supplied under the Right to Information Act, 2005 that a specific receipt was issued by the respondents bearing Memo No.361 dated 12.02.2010 that the appeal had been preferred and that the petitioner was required to deposit 33% of the bill amount as on the date so as to entertain the said appeal. He contends that even though the requisite deposit had been made, however, the appeal had not been decided by the respondents and that in the reply filed by them, they have denied institution of the said appeal itself.

Learned counsel appearing for the respondents is not in a position to refute issuance of the communication (Annexure P-11) which specifically refers to an appeal preferred by the petitioner against the order dated 29.07.2009.

Under the given circumstances, the present writ petition is disposed of with liberty to the petitioner to pursue the said appeal (Annexure P-8) instituted before the Appellate Authority. The respondent Appellate Authority shall decide the pending appeal within a period of 04 months of the receipt of certified copy of this order after affording an opportunity of hearing to the appellant.

Petition stands disposed of accordingly.

March 11, 2024.

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(VINOD S. BHARDWAJ

JUDGE

Whether speaking/reasoned

Whether reportable

: Yes/No

: Yes/No