

2026:PHHC:038545



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

RSA-501-1999 (O&M)

Date of Decision: 12.03.2026

MUNICIPAL COUNCIL HOSHIARPUR

....Appellant

Versus

RAVINDER KUMAR AND ORS

...Respondents

CORAM: HON'BLE MR. JUSTICE PARMOD GOYAL

Present: Mr. Mrigank Sharma, Advocate
for the appellant.

Mr. Varun Baanth, Advocate for
Mr. A.K. Jain, Advocate
for the respondents.

Parmod Goyal, J. (Oral)

The present appeal has been preferred by the appellant/defendant challenging the concurrent findings returned by the learned Trial Court and learned First Appellate Court vide judgment and decrees dated 16.04.1996 and 02.09.1998 respectively.

2. Admittedly in the present case, respondents/plaintiffs had challenged notices under Sections 172 and 195 of Punjab Municipal Act, 1911. The suit challenging notices was decreed by the Court of first instance and appeal preferred by appellant/defendant was also dismissed by learned First Appellate Court. The sole argument raised on behalf of learned counsel for appellant/defendant is that notices under Sections 172 and 195 of Punjab Municipal Act, 1911 (hereinafter referred to as 'Act') both are appealable notices and statutory appeal under Section 227 of Punjab Municipal Act, 1911 is available. Since jurisdiction of Civil Court is barred, therefore, suit

was not maintainable.

3. Learned counsel for appellant/defendant has placed reliance upon the following judgments :-

- (i) **Municipal Committee Vs. Om Parkash & Anr.**, 2010 (3) RCR (Civil) 502;
- (ii) **Sonia Vs. MC Naya Gaon, SAS Nagar & Anr.** (CR-1515-2022).

4. Learned counsel for respondents/plaintiffs could not rebut the fact that both the notices were appealable and remedy lies with the authorities under the Act. He however, states that since the matter is an old one, therefore, the orders passed by learned Courts below be not disturbed.

5. On consideration, I find that merely passing of time would not allow parties to by-pass statutory provisions specially when appellant/defendant has already raised issue of jurisdiction in its written statement. However, respondents/plaintiffs are not at fault for delay in deciding the present regular second appeal which was filed in 1999. Therefore, it would be appropriate to allow respondents/plaintiffs to prefer an appeal against the notices by way of statutory appeal within a period of two months from today. The orders passed by both the Courts below are accordingly set aside. The Appellate Authority under Municipal Act would decide appeal preferred by respondents on merits.

6. Pending application(s), if any, is/are disposed of accordingly.

12.03.2026
chiranjeev

(PARMOD GOYAL)
JUDGE

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