

(2020) 07 SHI CK 0364
In the High Court Of Himachal Pradesh
Case No : CMPMO No. 298 Of 2020

Jeet Ram

APPELLANT

Vs

Asha Ram

RESPONDENT

Date of Decision : 06-07-2020

Acts Referred:

Constitution Of India, 1950 — Article 227

Citation : (2020) 07 SHI CK 0364

Hon'ble Judges : Ajay Mohan Goel, J

Bench : Single Bench

Advocate : Sudhir Thakur, Karun Negi

Final Decision : Disposed Of

Judgement

Ajay Mohan Goel, J

1. By way of this petition, filed under Article 227 of the Constitution of India, the petitioner prays for the following reliefs:

"a) The impugned order dated 27.09.2019 passed by Ld. Divisional Commissioner Shimla may kindly be declared illegal, null and void and may be set aside.

b) The impugned Order dated 23.09.2017 passed by Sub- Divisional Collector Arki may kindly be declared as illegal, null and void and may kindly be set aside.

c) The impugned mutation No.50 dated 30.07.2012 sanctioned by Assistant Collector First Grade Arki may kindly be declared illegal, null and void and may kindly be set aside.

d) Directing respondent No.2 to issue necessary directions to the concerned authorities to correct the apparent mistake in mutation no.50 dated 30.07.2012 in accordance with para 2 of the Will dated 03.08.1999".

2. Prima facie, there is a statutory remedy available

to the petitioner and in view of that, this petition is not maintainable.

3. At this stage, learned Senior Counsel appearing for the petitioner prays for and is permitted to withdraw this petition, with liberty to avail statutory remedy as per law.

4. Learned Senior Counsel appearing for the petitioner submits that as the time for availing statutory remedy has now lapsed, this Court may observe that in case any application is filed for condonation of delay in filing the proceedings by the petitioner, then the same be considered sympathetically.

5. It is observed that if the petitioner exhausts the statutory remedy and also files application for condonation of delay, then the same be considered sympathetically and lenient approach be adopted by the authority concerned with an endeavour to decide the case on merit. Petition is disposed of accordingly. Pending miscellaneous applications, if any, also stand disposed of.