

(2022) 08 SHI CK 0040

In the High Court Of Himachal Pradesh

Case No : Civil Miscellaneous Petition Main (Original) No.367 Of 2022

Radha Sood

APPELLANT

Vs

State Of Himachal Pradesh And Others

RESPONDENT

Date of Decision : 18-08-2022

Acts Referred:

Constitution Of India, 1950 — Article 227

Citation : (2022) 08 SHI CK 0040

Hon'ble Judges : Sandeep Sharma, J

Bench : Single Bench

Advocate : Mukul Sood, Sudhir Bhatnagar, Sunny Dhatwalia, Ajeet Singh Saklani

Final Decision : Disposed Of

Judgement

Sandeep Sharma, J

1. By way of instant petition filed under Art. 227 of the Constitution of India, a very innocuous prayer has been made by the petitioner to issue direction to the Divisional Commissioner, Kangra Division at Dharamshala to decide Revenue Appeal No. 38 of 2021, titled as Radha Sood v. State of Himachal Pradesh, in a time bound manner.

2. Mr. Sunny Datwalia, learned Assistant Advocate General and Mr. Ajeet Singh Saklani, Advocate appear and accept notices on behalf of respondents Nos. 1, 3 and 4 and respondent No.2, respectively.

3. Having regard to the nature of the order proposed to be passed in the matter, this court sees no necessity to issue notices to respondents No.5 to 7 and the same are dispensed with.

4. Careful perusal of the averments contained in the petition and other material placed on record, reveals that the petitioner filed a revenue appeal in the court of learned Divisional Commissioner, Kangra at Dharamshala on 26.4.2021, laying therein challenge to rejection order dated 26.3.2021, Annexure P-1, whereby her

candidature was rejected from Ward No.2, Municipal Corporation, Palampur, on the ground that her father-in-law was an encroacher on Government land. Till date the revenue appeal filed by the petitioner has not been decided by the Divisional Commissioner, Kangra Division at Dharamshala.

5. It appears that prior to filing of the petition at hand, petitioner approached this court by way of CWP No. 2158 of 2021, which was disposed of by Division Bench of this court on 31.3.2021, thereby directing the authority concerned to decide the election petition/revenue appeal within the statutory period, but the fact remains that despite passing of the aforesaid order, no steps have been taken by Divisional Commissioner, to decide the appeal within the period specified under S. 18 of the Municipal Corporation Act, which provides for disposal of such appeals within a period of six months. In the case hand, appeal was filed on 26.4.2021, but yet the same has not been decided.

6. Consequently in view of above, the present petition is disposed of with a direction to Divisional Commissioner, Kangra Division at Dharamshala, to dispose of Revenue Appeal No. 38 of 2021, titled Radha Sood v. State of Himachal Pradesh, within two months from today. Learned counsel for the parties undertake to cause presence of their respective clients before Divisional Commissioner below on 23.8.2022, on which date, the matter has been fixed, enabling the aforesaid authority to do the needful in terms of instant order.

7. Petition stands disposed of in the afore terms, alongwith all pending applications.