

HIGH COURT OF JAMMU AND KASHMIR AT JAMMU

OWP No.311/2015, MP No.450/2015

Date of order:31.07.2017

Residents of Ward No.3 Poonch & anr Vs. State and ors

Coram:

Hon'ble Mr. Justice B. S. Walia, Judge

Appearing counsel:

For Petitioner (s) : Mr. M.A.Bhat Advocate.

For Respondent(s) : Mr. Vishal Bharti Dy.AG

Mr. S.S.Ahmed Advocate.

Oral:

1 Advertisement Annexure B dated 28.02.2015 was issued for opening of an Anganwari Center in village Gali Pindi Mohalla Dana Bakerwallan. The same has been challenged on the ground that it is in derogation of the parameters stipulated for setting up of the aforesaid Anganwari Center.

2 Mr. Vishal Bharti learned Dy.AG as well as Mr. S.S.Ahmed learned counsel representing the respondents state that disputes, if any, with regard to the location of setting up of aforesaid Anganwari Center is to be agitated by way of an appeal before Deputy Commisisoner, Poonch in terms of Government Order No. 07-SW of 2010 dated 18.01.2010.

3 Faced with the aforementioned situation, learned counsel for the petitioners states that he has no objection if the writ petition is disposed of by granting liberty to the petitioners to invoke the jurisdiction of Deputy Commissioner, Poonch by way of an appeal against the proposed location of aforementioned Anganwari Center in terms of Advertisement Annexure B dated 28.02.2015.

4 Statement of learned counsel for the parties is taken on record. Writ petition is taken on board and is disposed of by granting liberty to the petitioners to file an appeal in accordance with the provisions of law before Deputy Commissioner Poonch against the proposed location of aforementioned Anganwari Center in terms of Advertisement Annexure B dated 28.02.2015. In case, any such appeal is filed within a period of two weeks from today, then in that eventuality, no objection with regard to limitation shall be taken and the appeal shall be decided on merit as expeditiously as possible preferably within a period of three months from the date of filing of appeal along with certified copy of this order. After decision of the appeal, such action as is deemed appropriate would be taken in accordance with law for the purpose of setting of Anganwari Centre at the appropriate place. Needless to mention, no opinion whatsoever has been expressed on the merits of the case.

5 With the aforementioned directions, writ petition is disposed of.

(B. S. Walia)
Judge

Jammu
31.07.2017
Sanjeev