

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 22715 of 2013
Date of decision: 18.05.2015

Charanjit Singh

----Petitioner

Versus

State of Punjab and others

-----Respondents

Coram: Hon'ble Mr. Justice Satish Kumar Mittal
Hon'ble Mr. Justice Harinder Singh Sidhu

Present: Mr. J.S. Gill, Advocate for the petitioner.

Mr. Gaurav Garg Dhuriwala, DAG, Punjab

SATISH KUMAR MITTAL, J. (Oral)

In the present writ petition, the petitioner is praying for quashing the impugned Policy Guidelines and building norms for regularization of existing Marriage Palaces and setting up of new Marriage Palaces issued by the State of Punjab on 01.09.2012 (Annexure P-1).

It has not been disputed during the course of arguments that a Division Bench of this Court in CWP No. 25601 of 2012 **Punjab Marriage Palace and Resorts Association vs. State of Punjab and others** decided on 10.01.2014 has affirmed the aforesaid guidelines and the writ petition challenging the aforesaid guidelines have been dismissed.

Against the said order passed by the Division Bench of this Court, an SLP was filed before the Hon'ble Apex Court, which was dismissed with the following observations:

“Mr. P.S. Narasimha, learned Senior counsel appearing for the petitioners, after arguing the matter for quite some time, sought permission to withdraw the special leave petitions with liberty to file a review petition before the High Court.

Learned counsel also referred to grounds (b), (c) (i) and sought permission to urge the same before the High Court. He also submitted that the executive power shall not be exercised in the teeth of various statutory provisions. Permission granted.

The special leave petitions are, accordingly, dismissed as withdrawn with liberty to the petitioners to place before the High Court the relevant statutory powers which offend the policy as well as the execution orders. The High Court will consider the same and pass appropriate orders.

Since, we have granted liberty to the petitioners, the direction given by the High Court in para 34 of the impugned order remains suspended till the review petition is finally heard and decided. The petitioner is directed to file the review petition within a period of two weeks from today."

Thereafter, the review application filed in terms of the aforesaid order, was also dismissed while making the following observations:

"(1) The above-cited applications seek review/modification of the order dated 10.01.2014 whereby a bunch of writ petitions challenging the Punjab Government notification dated 16.11.2012 containing the "Policy Guidelines and Building Norms for Regularization of existing Marriage Palaces and Setting up of New Marriage Palaces in the State of Punjab", was upheld.

(2) The review application has been filed in terms of the liberty accorded by Hon'ble Supreme Court vide order dated 06.05.2014 (Annexure RA-2).

(3) One of the contention raised by the review-applicants is that notwithstanding the challenge laid by them to the above-stated Policy, there are several categories of Marriage Palaces which are

exempted from the levy of CLU charges under various clauses of the aforesaid Policy. It is urged that after dismissal of the applicants' writ petitions the implementing Agencies have refused to entertain the grievances of even those Marriage Palaces which are entitled to such exemptions.

(4) On the other hand, learned State counsel controverts the afore-stated allegations.

(5) In this view of the matter and as prayed for, these review applications are disposed of with liberty to the applicant/petitioner(s) to approach the State Government/Competent Authority who, irrespective of the order dated 10.01.2014 passed by this Court, shall consider their grievances/claims dispassionately and in accordance with law/policy.

(6) The State Government/Competent Authority may meanwhile insist for the deposit of only a reasonable part of the dues, till the time the representation(s) are decided.

*(7) Ordered accordingly. **Dasti.**"*

The dispute raised in the present case is squarely covered by the decision of the Division Bench of this Court in Punjab Marriage Palace and Resorts Association's case (supra) and the present petition is also disposed of in the same terms.

(SATISH KUMAR MITTAL)
Judge

(HARINDER SINGH SIDHU)
Judge

18.05.2015
Atul