

In the High Court of Punjab and Haryana at Chandigarh

C.W.P. No. 25818 of 2015

Date of Decision: December 10, 2015

M/s Mona Bricks Industry

.. Petitioner

Versus

State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE PARAMJEET SINGH

Present: Mr. Shiv Kumar, Advocate,
for the petitioner.

Paramjeet Singh, J. (Oral)

Instant writ petition has been filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of certiorari quashing order dated 17.06.2015 (Annexure P/9) passed by respondent no.2 – Director General, Food and Supplies, Haryana and order dated 21.07.2015 (Annexure P/10) passed by respondent no.3 – Deputy Commissioner, Faridabad.

I have heard learned counsel for the petitioner and perused the record.

The Deputy Director (Brick Kiln) on behalf of the Director General, Food and Supplies, Haryana issued a communication dated

17.06.2015 (Annexure P/9) to the Deputy Commissioner, Faridabad,

mentioning that from the enquiry, the distance of brick kiln from the school has been found to be 614 meters, whereas in the application and affidavit dated 02.12.1997 of Rajender Miglani the distance of brick kiln from school has been shown as 1 km. In pursuance of the directions of the Director General, Food and Supplies, Haryana issued to the Deputy Commissioner to take action for cancelling the licence of the petitioner, the Deputy Commissioner cancelled the licence of the petitioner.

The only grievance of the learned counsel for the petitioner is that the petitioner has not been associated when the distance was measured. The distance has been measured at the back of the petitioner, as such, the principles of natural justice have not been followed.

Notice of motion.

On the asking of the Court, Mr. Sandeep S. Mann, Senior Deputy Advocate General, Haryana, accepts notice on behalf of the respondents.

Having heard learned counsel for the parties and after perusal of the paper-book, instant writ petition is disposed of with a direction to respondent no.3 – Deputy Commissioner, Faridabad that after joining the petitioner, the distance will be measured and thereafter, take decision in accordance with law. The petitioner will be at liberty to

will also be at liberty to file a representation mentioning all the details and the defence available to him which shall be considered before passing the order by the Deputy Commissioner. The petitioner is directed to appear before the Deputy Commissioner on 14.12.2015. The Deputy Commissioner shall fix the date for measurement of the distance and thereafter pass order positively on or before 24.12.2015. Till then, the petitioner shall not operate the brick kiln. The operation of the Brick Kiln will be subject to the decision of the Deputy Commissioner.

Copy of the order be given to the learned State counsel under the signatures of the Bench Secretary for onward transmission to the Deputy Commissioner, Faridabad.

December 10, 2015
vkd

[Paramjeet Singh]
Judge