

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Letters Patent Appeal No.176 of 2015 (O&M)
DATE OF DECISION: 04.02.2015

Monu Kumar

....Appellant

versus

M/s Samar Brothers and others

.....Respondents

CORAM:- HON'BLE MR.JUSTICE S.J. VAZIFDAR, ACTING CHIEF JUSTICE
HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. C.M. Munjal, Advocate for the appellant

Mr. R.S. Rai, Senior Advocate with
Mr. Sandeep Wadhawan, Advocate for respondent
No.1

..

S.J. VAZIFDAR, ACTING CHIEF JUSTICE (Oral):

Caveat Application:

Learned counsel for the caveator/respondent No.1 has
entered appearance.

Caveat stands discharged.

LPA-176-2015:

The learned Judge has allowed the first respondent's
petition challenging an order passed by respondent No.3-Deputy
Commissioner, Fazilka, on the basis of an order passed by
respondent No.4-Municipal Council, Abohar, withdrawing a
licence granted for exhibiting films in a video parlour on the
ground that the order was passed without affording the
respondent No.1 an opportunity of being heard or meeting the
allegations on the basis whereof the impugned action was taken.

2. Admittedly, respondent No.1 was not afforded a hearing or any opportunity to meet the allegations on the basis of which the orders impugned in the writ petition were passed. The order impugned in this appeal, therefore, warrants no interference whatsoever.

3. The appellant, who claims to be a public-spirited citizen has, in any event, filed a writ petition challenging the permissions/certificates granted in favour of respondent No.1 i.e. CWP No.17372 of 2014, which is pending before the learned single Judge. The appellant can always raise the contentions on merits in that writ petition.

4. The learned single Judge has, however, clarified that the order impugned in this appeal will not prevent the Municipal Council, Abohar as well as the authorities concerned from proceeding in accordance with law after hearing the petitioner i.e. respondent No.1 to the appeal.

5. The appellant claims a right to be heard by the authorities concerned. The appellant is always at liberty to apply to the authorities concerned to be heard. The authorities concerned shall decide the application.

6. The appeal is accordingly disposed of.

(S.J. VAZIFDAR)
ACTING CHIEF JUSTICE

04.02.2015
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(AUGUSTINE GEORGE MASIH)
JUDGE