

Civil Writ Petition No. 51 of 1997

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**Civil Writ Petition No. 51 of 1997
Date of Decision: 16.12.2016**

Dr. Satnam Singh

.....Petitioner

Vs.

Union of India and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present : Mr. Kanwaljit Singh, Sr. Advocate with
Mr. Amandeep Singh Meho, Advocate
for the petitioner.

Mrs. Monica Chhiber Sharma, DAG, Punjab.

RAMESHWAR SINGH MALIK J. (ORAL)

Present writ petition is directed against the order dated 18.7.1996 (Annexure P-8) passed by the Deputy Commissioner, Patiala-respondent No.3, whereby certificate dated 18.6.1996 (Annexure P-7) issued in favour of the dependents of late Sh. Harnam Singh-freedom fighter was withdrawn without issuing any notice or granting an opportunity of being heard.

Notice of motion was issued and in compliance thereof, written statement was filed by respondents No.2 and 3. Thereafter, the writ petition

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was admitted for regular hearing by a Division Bench of this Court vide order dated 13.8.1997. That is how, this Court is seized of the matter.

Heard learned counsel for the parties.

It has gone undisputed before this Court that the impugned order has been passed without issuing any show cause notice or granting any opportunity of being heard to the petitioner. In this view of the undisputed fact situation obtaining on record of the present case, respondent No.3 has has glaringly violated the basic principle of natural justice, while passing the impugned order (Annexure P-8) and the same cannot be sustained. It is so said, because once the certificate dated 18.6.1996 (Annexure P-7) was issued by respondent No.3 where from some rights would have accrued in favour of the beneficiaries thereof, those accrued benefits could not have been taken away without complying with the basic principles of natural justice. Having said that, this Court feels no hesitation to conclude that since respondent No.3 has committed a serious of error of law, while passing the impugned order, the same cannot be upheld.

No other argument was raised.

Considering the peculiar facts and circumstances of the case noted above, coupled with the reasons aforementioned, this Court is of the considered view that since the impugned order has been found suffering from patently illegality and perversity, being violative of principle of natural justice, the same cannot be sustained. Accordingly, the impugned order dated 18.7.1996 (Annexure P-8) is here set aside. Writ petition deserves to be accepted.

Consequently, the matter is remanded to the Deputy Commissioner, Patiala-respondent No.3, with a direction to pass a fresh

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appropriate order but only after issuing a show cause notice and granting an opportunity of being heard to the petitioner and other beneficiaries of the certificate (Annexure P-7). Let the Deputy Commissioner, Patiala, complete this exercise at an early date but in any case within a period of three months from the date of receipt of certified copy of this order.

With the abovesaid observations made and directions issued, present writ petition stands allowed, however, with no orders as to costs.

16.12.2016
Ak Sharma

(RAMESHWAR SINGH MALIK)
JUDGE

Whether speaking/reasoned Yes/No
Whether reportable: Yes/No