

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

**CWP No. 20795 of 2015 (O&M)
Decided on : 27.09.2016**

Maharaja Yadvindra Enclave Committee and others

... Petitioners

Versus

State of Punjab and others

... Respondents

**CORAM: HON'BLE MR. JUSTICE AJAY KUMAR MITTAL
HON'BLE MR. JUSTICE RAMENDRA JAIN**

PRESENT: Mr. Rakesh Gupta, Advocate
for the non-applicant/petitioners.

Mr. Alok Jain, Addl. AG, Punjab.

Mr. Anil Sharma, Advocate
for non-applicant/respondent No.3.

Mr. Sameer Sachdeva, Advocate
for applicant-respondent No.4.

AJAY KUMAR MITTAL, J. (Oral)

CM No. 12310-CWP of 2016

Short affidavit of Dayal Chand Garg, Executive Officer, Improvement Trust, Patiala, on behalf of respondent No.4 filed along with the application is taken on record, subject to all just exceptions. Office to tag the same at the appropriate place.

CM stands disposed of.

CWP No. 20795 of 2015

In compliance to the order dated August 16, 2016, Mr. Varun Roojam, earlier Deputy Commissioner-cum-Chairman, Improvement Trust, Patiala, presently posted as Deputy Commissioner, Amritsar, is present in Court in-person.

2. The petitioners have approached this Court under Article 226

of the Constitution of India, seeking quashing of the order dated 18th August, 2015 (Annexure P-1), issued by respondent No.3, challenging the assessment/liability sought to be imposed upon the members of the petitioner-committee has been rejected, in violation to the order dated 30th April, 2015, passed in CWP No. 17207 of 2014 (Annexure P-2).

3. Learned counsel for respondent No.3 has filed an additional affidavit dated 23.09.2016 of Mr. Vishnu Sharma, Chairman, Improvement Trust, Patiala, on behalf of respondent No.3, wherein in Para No.6, it has been stated that impugned order dated 18th August, 2015 (Annexure P-1) has been withdrawn in view of the orders passed in CWP No.17207 of 2014. Para 6 of the aforesaid affidavit reads thus:-

“6. That the order dated 16.8.2016 passed by this Hon'ble Court was put up before the deponent for the first time on 8.9.2016. Thereafter, without losing any further time the records of the case were called and after perusal of the same, it was decided to withdraw the order dated 18.8.2015 (Annexure P-1) as the same were passed without affording opportunity of hearing to the petitioners as per the directions issued by this Hon'ble Court in CWP 17207 of 2014. The copy of the order dated 22.09.2016 for passing the fresh order after giving due opportunity to the petitioners (P-1) is attached herewith as Annexure R-3/1.”

4. Accordingly, learned counsel for the petitioners states that the present writ petition has been rendered infructuous and the same be disposed of as such.

5. Ordered accordingly. Learned State counsel submits that the fresh order shall be passed within a period of two months. Needless to say, the concerned respondent while passing the fresh order shall keep in mind the directions issued by this Court vide order dated 30.04.2015 in CWP No.17207 of 2014 and afford an opportunity of hearing to the petitioners and pass a speaking order, in accordance with law.

(AJAY KUMAR MITTAL)
JUDGE

(RAMENDRA JAIN)
JUDGE

September 27, 2016

J.Ram

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No