

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

**CR No.1333 of 2015 (O&M)  
Date of decision: 11.08.2017**

**M/s Indra Filling Station**

**... Petitioner**

**Vs.**

**Cantonment Board, Jalandhar Cantt**

**... Respondent**

**CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK**

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

Mr. M.S. Sachdeva, Advocate  
for the respondent.

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**RAMESHWAR SINGH MALIK, J. (ORAL)**

Feeling aggrieved against the order dated 18.11.2013 (Annexure P-7), whereby application of the petitioner for withdrawing the warrants of attachment was dismissed by the learned Judicial Magistrate 1<sup>st</sup> Class, petitioner has approached this Court by way of present civil revision petition under Article 227 of the Constitution of India, for setting aside the impugned order.

Notice of motion was issued and recovery of the amount from the petitioner was stayed.

Heard learned counsel for the parties.

It has gone undisputed before this Court that no show cause notice was issued to the petitioner before issuing the demand notice. Once it is so, basic principles of natural justice stood violated and the impugned order cannot be sustained.

Without commenting anything further on merits of the case, lest it should prejudice the rights of either of the parties, petitioner is directed to move an appropriate representation before the respondent-Cantonment Board within a period of two weeks from today and said representation shall be considered and decided by the competent authority of the respondent-Cantonment Board, by passing an appropriate order. However, that order shall be passed by the competent authority of the respondent-Cantonment Board, only after granting an opportunity of being heard to the petitioner.

Till such an order is passed by the competent authority of the respondent-Cantonment Board, recovery shall not be effected from the petitioner.

With the abovesaid observations made and directions issued, present revision petition stands disposed of.

**[ RAMESHWAR SINGH MALIK ]**  
**JUDGE**

11.08.2017  
*vishnu*

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No