

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH.

CWP No.1512 of 2011 (O&M)
Date of decision: October 06, 2017

Rajinder Garg (now deceased) through
his LRs Smt. Saroj etc. ...Petitioner

Versus

State of Haryana and others ...Respondents

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. A.K. Kansal, Advocate for the petitioner(s).
Mr. Gaurav Jindal, Addl. Advocate General, Haryana.

Rajan Gupta, J.(oral)

Petitioner has posed a challenge to order dated 03.01.2011
(Annexure P-5), passed by respondent No.3.

It has been urged before the court that the PWD Department had no authority, whatsoever, to charge a lease money from the petitioner, as there is no rule/regulation permitting such a levy. Stand of the State, however, is that the amount is sought to be recovered in view of amendment slip No.9 to Manual of Order of the Public Works Department (Annexure P-2 herein). Question that arises before the court is whether the Manual, as referred to, would be applicable to the petitioner Filling Station, there being no separate letter/notification regarding the petrol pumps, situated in village areas and same being beyond the Municipal Council limits.

Under the circumstances, this petition is disposed of with a direction to respondent No.1 to take appropriate decision in the matter after considering the stand of the petitioner as made out in this petition. Needful be done expeditiously, in any case not later than two months. Till then coercive steps be not taken against the petitioner. A report be submitted in the Registry thereafter.

October 06, 2017
'Rajpal'

(RAJAN GUPTA)
JUDGE

Whether speaking / reasoned Yes / No

Whether Reportable: Yes / No