

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

CWP No.22619 of 2015 (O&M)
Date of Decision.23.01.2017

Sital Kaur

.....Petitioner

Vs

Punjab State and others

.....Respondents

Present: Mr. Dharam Pal (Roparwale), Advocate for
for the petitioner.

Mr. Yatinder Sharma, Addl. A.G., Punjab.

Mr. Bhupesh Dogra, Advocate
for respondent Nos.2 and 3.

CORAM:HON'BLE MR. JUSTICE AMIT RAWAL

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AMIT RAWAL J. (ORAL)

The petitioner is aggrieved of the impugned letter (Annexure P-14) dated 05.10.2015 whereby the site plan No.98 dated 22.07.2015 approved on 12.08.2015 (Annexure P-12) has been cancelled/withdrawn.

Mr. Dharam Pal, learned counsel appearing for the petitioner submits that no opportunity of hearing, much less, any show cause notice was given to explain the contents of the impugned notice. Had there been any compliance of principle of natural justice, the petitioner whatever has placed before this Court or urged, would have explained to the authorities, therefore, the order under challenge is not sustainable and liable to be set aside.

Mr. Dogra, learned counsel appearing on behalf of respondents No.2 and 3, Municipal Council, Rupnagar does not dispute issuance of any show cause notice.

It is strange that the authorities at the helm of affairs did not

comply the principles of natural justice, much less, afforded opportunity to

the person against whom they purport or intend to pass the impugned order, the one done in the instance case.

Instead of calling upon their explanation or imposing costs, I deem it appropriate to issue direction to the authorities to be more careful and cautious in passing such orders without adhering to the compliance of principles of natural justice, doctrine akin to *audi alteram partem*.

Resultantly, the impugned letter (Annexure P-14) is hereby set aside. The respondent-Municipal Council before taking any action in accordance with law, shall issue a show cause notice and hear the petitioner. The petitioner is also permitted to explain or give documents in support of his contention and thereafter, in case the authorities satisfied with the explanation, the sanction plan would be deemed to be continued. If otherwise, a speaking order shall be passed in accordance with law after affording opportunity of hearing to the petitioner.

With the aforementioned observations, the writ petition is allowed.

(AMIT RAWAL)
JUDGE

January 23, 2017
Pankaj*

Whether speaking/reasoned Yes

Whether reportable No