

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

**CWP No.3616 of 2017
Date of Decision.23.02.2017**

Shiv Mohan Kapur

.....Petitioner

Vs

State of Haryana and others

.....Respondents

Present: Mr. APS Sandhu, Advocate
for the petitioner.

CORAM:HON'BLE MR. JUSTICE AMIT RAWAL

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AMIT RAWAL J. (ORAL)

The petitioner is aggrieved of the show cause notice (Annexure P-10) issued under Section 408A(1)(b) of the Haryana Municipal Corporation Act, 1994 by the Joint Commissioner-III, Municipal Corporation, Gurugram calling upon him to show cause as to why eviction proceedings should not be initiated.

Mr. Sandhu, learned counsel appearing on behalf of the petitioner submits that the aforementioned notice has been duly responded vide reply dated 13.02.2017 (Annexure P-11). There is apprehension that without giving any hearing or resorting to any other procedure, the petitioner may be evicted at the hands of the respondents.

The apprehension of the petitioner appears to be genuine and justified. Till the respondent-Municipal Corporation does not pass a speaking order after affording opportunity of hearing, in case such order has not been passed till date i.e. today in response to the reply submitted to the show cause notice, the petitioner shall not be evicted. The Municipal Corporation shall pass a speaking order after giving opportunity to the petitioner. In case the grievance of the petitioner stands vindicated, there

will not be further orders. In case any order is passed against the petitioner, he will be at liberty to avail the appropriate remedy in accordance with law.

The writ petition stands disposed of with above observations.

(AMIT RAWAL)
JUDGE

February 23, 2017
Pankaj*

Whether speaking/reasoned Yes

Whether reportable No