

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

CWP No.925 of 2017 (O&M)
Date of Decision.16.03.2017

Gurcharan Singh and others

.....Petitioners

Vs

State of Punjab and others

.....Respondents

Present: Ms. Sonia G. Singh, Advocate
for the petitioners.

CORAM:HON'BLE MR. JUSTICE AMIT RAWAL

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AMIT RAWAL J. (ORAL)

The grievance of the petitioners is that by virtue of the impugned notice dated 12.03.2015 (Annexure P-8) they were called upon to vacate the premises within 15 days by issuing show cause notice under Section 172, 172(A) of the Punjab Municipal Act, 1911 which has been replied vide Annexure P-9. But without taking any decision on the reply or calling upon the petitioners, the respondents have been hell bent for insisting upon vacation of premises as indicated in the show cause notice.

I have heard learned counsel for the petitioners and of the view that once the petitioners have been given show cause notice, which has been responded by them, an order has to be passed by the competent authority including the Nagar Panchayat in accordance with law after affording opportunity of hearing to the parties, much less, the petitioners who shall give the entire proof showing the possession, much less, ownership if any.

The apprehension of the petitioners is that the aforementioned action has been taken owing to the filing of the contempt petition bearing COCP No.922 of 2012. It has been brought to the notice of the Court that

the aforementioned contempt petition has also been dismissed.

Resultantly, the writ petition is disposed of with a direction to the Executive Officer of the Nagar Panchayat village Bhagta Bhai Ka, Tehsil Rampura Phul, District Bathinda to decide the reply/show cause notice after affording opportunity of hearing to the petitioner, who shall submit all the document in support of his claim.

Let this exercise be undertaken within a period of two months from the date of receipt of certified copy of this order, if no such order has been passed till date. Till the decision is not taken, the petitioners shall not be dispossessed.

(AMIT RAWAL)
JUDGE

March 16, 2017
Pankaj*

Whether speaking/reasoned Yes

Whether reportable No