

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

COCP No.1552 of 2018 (O&M)
Date of Decision:25.5.2018

Sunil Garg

... Petitioner

Versus

Gurpreet Singh Khaira Commissioner, Municipal Corporation, Patiala

... Respondents

CORAM:- HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr.D.S.Patwalia, Sr.Advocate with
Mr.Kannan Malik, Advocate for the petitioner

Mr.R.S.Khosla, Sr.Advocate with
Ms. Ishrat Phulka, Advocate for the respondent

RAJIV NARAIN RAINA, J. (Oral)

Mr.Gurpreet Singh Khera, Municipal Commissioner, Patiala is present in Court with the available record. Ms. Ishrat Phulka, learned counsel assisting Mr.Khosla, learned Sr. Counsel appearing for the Municipal Corporation, Patiala has filed compliance report by way of affidavit of Mr.Gupreet Singh Khera which is taken on record. Together with the affidavit, an order dated 22.5.2018 has been annexed as Annexure R-1 disposing of the representation of the petitioner. Copy supplied to the counsel for the other side.

The petitioner had approached this Court in CWP No.19753 of 2016 challenging an order dated 12th April, 2016 passed by the Municipal Commissioner, Patiala whereby the application for change of land use has been declined on the grounds which need not be gone into since they were noticed by the Division Bench of this Court vide order dated 12.1.2018 and decided, the operative part of which is in paragraph 3 and reads as under:-

“3.....The Corporation, however, has now raised another objection that the petitioners are not entitled to 'No Objection Certificate' for setting up 'Fuel Filling Station' as there exists already another 'Fuel Filling Station' adjoining the petitioners' plot divide by a common wall. Since the above-stated objection is not the subject matter of adjudication in the instant writ petition and the earlier objection raised against the petitioners no more survives, the instant writ petition is disposed of as infructuous with liberty to the petitioners to submit a comprehensive representation to the Municipal Corporation, Patiala, to reconsider the request for grant of 'No Objection Certificate'/'CLU' permission for the subject plot for installation of 'Fuel Filling Station'. The Corporation shall pass a reasoned order in accordance with law within a period of two months from the date of submission of the representation.”

The Corporation having declined CLU had raised another objection which the Division Bench agreed is not subject matter of adjudication, and therefore, the earlier objection raised against the petitioner, no more survives. The writ petition had been declared infructuous with liberty to the petitioner to submit a comprehensive representation which has been decided by the order produced with the compliance report.

In view of the above, contempt is not made out. Notice is discharged. Contempt petition is dismissed. However, the petitioner is at liberty to seek legal remedies against the order dated 22.5.2018 (Annex. R-1).

25.5.2018
MFK

(RAJIV NARAIN RAINA)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>