

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

CWP-14284-2017 (O&M)

Date of decision : 23.10.2018

M/s Decathlon Sports India Private Ltd.

...Petitioner(s)

Versus

National Highways Authority of India and another

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Rahul Sharma-I, Advocate for the petitioner.

Ms. Jatinder Jit Kaur, Advocate,
for the respondents.

JITENDRA CHAUHAN, J. (Oral)

Prayer in the instant petition filed under Article 226 of the Constitution of India is for issuance of a writ in the nature of Certiorari for quashing order dated 13.06.2017 (Annexure P-5), whereby, the access to the petitioner-store has been ordered to be blocked.

Learned counsel for the petitioner states that the petitioner is the lessee of Harjinder Singh and Gurdeep Singh. Notice dated 01.06.2017 (Annexure P-4) was issued to the petitioner whereby, he was directed to cause appearance on 13.06.2017. The petitioner appeared before the competent authority but on the same day, the impugned order was passed by observing that unauthorized access be blocked immediately. It is asserted that due opportunity of hearing has not been allowed to the petitioner as the lessee being abroad on the relevant date, necessary documents pertaining to the permission already granted by the respondent to raise construction in

issue could not be produced.

In view of the submissions made and without adverting to the merits of the case, at this stage, impugned order dated 13.06.2017 (Annexure P-5) is quashed; the petitioner as well as the lessees are directed to make a representation to the competent authority within two weeks from the date of receipt of a certified copy of this order. On receipt of such representation, the competent authority shall pass appropriate order as per law, within three weeks thereafter, after affording proper opportunity of hearing.

Disposed of.

23.10.2018

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(JITENDRA CHAUHAN)

JUDGE

Whether speaking / reasoned : Yes No

Whether Reportable : Yes No