

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP-13378-2018

Date of Decision: 24.5.2018

Ram Shah and others

....Petitioners.

Versus

State of Punjab and others

...Respondents.

**CORAM:- HON'BLE MR. JUSTICE AJAY KUMAR MITTAL,
ACTING CHIEF JUSTICE.**

HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

PRESENT: Mr. Chetan Mittal, Senior Advocate with
Mr. Varun Issar, Advocate for the petitioners.

AJAY KUMAR MITTAL, ACJ.

1. In this writ petition filed under Articles 226/227 of the Constitution of India, the petitioners have prayed for issuance of a direction to the official respondents to take action against respondent No.3 who himself was claiming to be managing the parking through the contract dated 20.4.2018 (Annexure P-2) without there being any designated parking zone/site.

2. Respondent No.4 vide Notice Inviting Tender dated 2.3.2018 (Annexure P-1) invited the tenders for contract of parking of Dana Mandi Salem Tabri for a period of one year from 1.4.2018 to 31.3.2019. In response thereto, respondent No.3 had applied and was granted the contract of parking vide agreement dated 20.4.2018 (Annexure P-2). Respondent No.3 had been demanding entry/goodna tax from the persons entering the Mandi as is clear from the photographs, Annexure P-3. The petitioners

Market Committee, Ludhiana regarding charging of illegal entry fees under the garb of parking fees from the entry points of the mandi, but to no effect. Thereafter, several protests by the shopkeepers, residents and the truck unions were held as is clear from the newspaper clipping dated 28.4.2018 (Annexure P-5). As per the site plan, Annexure P-6, there are designated parking earmarked but there is no authority of collection of parking fee and the same is being collected at all the entry/exit points instead of the parking area. Hence, the present writ petition.

3. Learned counsel for the petitioners submitted that for the relief claimed in the writ petition, the petitioners have moved a representation dated 2.5.2018 (Annexure P-4) to the Secretary, Market Committee, Ludhiana, but no action has so far been taken thereon.

4. After hearing learned counsel for the petitioners, perusing the present petition and without expressing any opinion on the merits of the case, we dispose of the present petition by directing respondent No.4 to take a decision on the representation dated 2.5.2018 (Annexure P-4), in accordance with law by passing a speaking order and after affording an opportunity of hearing to the petitioners and respondent No.3 within a period of 15 days from the date of receipt of the certified copy of the order.

(AJAY KUMAR MITTAL)
ACTING CHIEF JUSTICE

May 24, 2018
gbs

(TEJINDER SINGH DHINDSA)
JUDGE

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No