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

**CWP No.17192 of 2018
Date of decision: July 17, 2018**

Amarjeet Singh ...Petitioner

Versus

State of Punjab and others ...Respondents

Coram: Hon'ble Mr. Justice Rakesh Kumar Jain

Present: Mr. Akshay Bhan, Senior Advocate, with
Mr. Harparteek Singh Sandhu, Advocate, for the petitioner.

Mr. Vikas Chatrath, Advocate,
for respondents no.2 and 3-caveator.

Rakesh Kumar Jain, J. (Oral)

At the outset, learned senior counsel appearing on behalf of the petitioner has submitted that the District Magistrate, Ludhiana has not noticed the contention of the petitioner in the impugned order.

Notice of motion.

On asking of the Court, Mr. Sahil Sharma, DAG, Punjab, accepts notice on behalf of respondents no.1 and 5, whereas Mr. Vikas Chatrath has put in appearance on behalf of respondents no.2 and 3-caveator.

Counsel for the petitioner submits that respondent no.4-Punjab Agro Industry Corporation Limited is not a necessary party to be served at this stage.

In view thereof, service upon respondent no.4 is dispensed with.

After hearing learned counsel for the parties, examining the available record and perusal of the impugned order dated 08.06.2018, I am of

the considered opinion that the contention raised by the petitioner appears to be correct because there is no reference of any kind of the argument raised by the petitioner in the impugned order passed by the District Magistrate, Ludhiana. All that has been recorded in the impugned order are the contentions raised by the Punjab State Transmission Corporation Limited and the National Highway Authority of India. Thus, the District Magistrate, Ludhiana has not passed the impugned order in consonance with the principles of natural justice, i.e. after affording an opportunity of hearing in true sense to the petitioner before passing the impugned order.

In view of the above, the present writ petition is hereby allowed, impugned order dated 08.06.2018 is set aside and the matter is remanded back to the District Magistrate, Ludhiana with a direction to decide the matter again by passing a well reasoned and speaking order after giving ample opportunity of hearing to the petitioner and also after recording respective contentions of the parties.

The parties are directed to appear before the District Magistrate, Ludhiana on 23.07.2018 and he is directed to decide the matter within a period of 7 days from the date of appearance of the parties before him. It is made clear that till the decision of the District Magistrate, Ludhiana, *status quo* order granted by this Court shall continue.

July 17, 2018
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(Rakesh Kumar Jain)
Judge

Whether speaking / reasoned	:	Yes/No
Whether reportable	:	Yes/No