

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

CWP-8202-2018 (O&M)

Date of decision:- 03.04.2018

RKKR Foundation

...Petitioner

Versus

Municipal Corporation, Gurugram and others

...Respondents

CORAM: HON'BLE MR. JUSTICE S.J. VAZIFDAR, CHIEF JUSTICE
HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present:- Mr. Sapan Dhir, Advocate,
for the petitioner.

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S.J. VAZIFDAR, C.J. (ORAL)

The petitioner has challenged a recovery notice under Section 130 of the Haryana Municipal Corporation Act, 1994 (in short the Act) dated 16.03.2018.

2. The notice expressly states that the property had been assessed to property tax payable by the owner/occupier in terms of Section 87(1)(a) of the Act. The petitioner alleges that an assessment order has not been served upon it. We do not express any view in this regard as the respondents are not before us. The petitioner has an alternate remedy of an appeal against the assessment order.

3. In these circumstances, the petition is disposed of by the following order:-

(i) The respondents shall serve a copy of the assessment order which is referred to in the said order dated 16.03.2018 (Annexure P-6 collectively), if not already served.

(ii) The petitioner shall be at liberty to challenge the order in appeal.

(iii) Till the order is served on the petitioner and for a period of two weeks thereafter, the respondents shall be at liberty to attach the property, but not sell the same or take any coercive action in respect thereof.

It is clarified that even while the property is attached, the petitioner shall be entitled to use the same as a hostel. The petitioner shall not, however, dispose of, alienate, encumber, part with possession of or create any third party rights in respect of the said property without the leave of the authorities concerned.

(iv) Liberty to the respondents to have this order modified or vacated after giving the petitioner's advocate 48 hours notice in writing.

(S.J. VAZIFDAR)
CHIEF JUSTICE

(AVNEESH JHINGAN)
JUDGE

03.04.2018
Amodh

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