

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP-1321-2020

Date of Decision:-10.02.2020.

Hari Singh and others

.....Petitioners

Versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE SANJAY KUMAR

Present: Mr. Rajender Chhokar, Advocate for the petitioners.

Mr. Rajesh Gaur, Additional A.G., Haryana.

Mr. Deepak Manchanda, Advocate for respondent No.2-M.C.

SANJAY KUMAR, J. (Oral)

Challenge in this writ petition is to the orders dated 03.08.2018 (Annexures P-1 to P-3) passed by the Commissioner, Municipal Corporation, Gurugram, respondent No.2, under Section 408-A of the Haryana Municipal Corporation Act, 1994, (hereinafter 'the Act of 1994'). It is however an admitted fact that the applications made by the petitioners seeking benefit under the second proviso to Section 164 (c) of the Act of 1994 are still pending consideration before the Municipal Corporation.

In the light of the judgment rendered by this Court in ***CWP-1424-2020 (Sube Singh and others Vs. State of Haryana)*** and other connected matters on 05.02.2020, the issue stands settled. It is not open to the Municipal Corporation to keep pending the applications filed under the

second proviso to Section 164 (c) of the Act of 1994 on the one hand and take coercive steps under Section 408-A of the Act of 1994 thereof, in the meanwhile.

The writ petition is accordingly disposed of directing the Municipal Corporation, Gurugram, to consider the applications filed by the petitioners under the second proviso to Section 164 (c) of the Act of 1994 on their own merits and in accordance with law. This exercise shall be completed expeditiously and in any event, not later than four weeks from the date of receipt of a certified copy of this order. Pending such exercise, the orders passed against the petitioners under Section 408-A of the Act of 1994 shall not be given effect to.

No order as to costs.

(SANJAY KUMAR)
JUDGE

February 10, 2020.

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Whether speaking/reasoned:-

Yes / No

Whether Reportable:-

Yes / No.