

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CWP No.11658 of 2020

Date of Decision:-11.08.2020

Deepak Bansal.

.....Petitioner.

Versus

Improvement Trust Bathinda through its EO & Ors.

.....Respondents.

**CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH
HON'BLE MR. JUSTICE ASHOK KUMAR VERMA**

Present:- Dr. Rau P.S. Girwar, Advocate for Petitioners.

Mr. Sahil Sharma, Deputy Advocate General, Punjab.

Mr. Salil Sagar, Senior Advocate assisted by
Mr. Sankalp Sagar, Advocate for Respondent Nos.1 to 3.

JASWANT SINGH, J.

*[The aforesaid presence is being recorded through video conferencing since
the proceedings are being conducted in virtual court]*

Petitioner –Deepak Bansal has filed the present writ petition seeking quashing of show cause notice dated 27.07.2020 (P-6) issued by Chairman, Town Improvement Trust, Bathinda, whereby he has been granted seven days time to demolish the construction raised by him over a 200 square yard plot situated at Green Avenue, Bathinda.

Ld. Counsel for the petitioner has contended that the impugned show cause notice dated 27.07.2020 (P-6) is liable to be quashed as he is owner in possession of the plot in question on the basis of conveyance deed dated 03.07.2020 (P-2), duly registered with the Sub-Registrar, Bathinda. It is further

submitted that the plot in question was exempted from acquisition as per letter No. CTP (SS)-2020/1472 written through email by Directorate Local Government to EO, Improvement Trust, Bathinda.

On the other hand, Ld. Counsel for the respondents no 1 to 3 as well as State have taken preliminary objections that the instant writ petition is not maintainable against a mere show cause notice; and also that it involves disputed questions of fact, which cannot be adjudicated in the writ petition.

After hearing the Ld. Counsel for the parties at considerable length and scrutinizing the record, we are of the view of the present writ petition is not maintainable, as there are disputed questions of fact, which cannot be adjudicated in a writ petition. It is apparent that there is no document on record to *prima-facie* prove that the plot in question has been exempted, as alleged. Further, it is also seen that the alleged conveyance deed is in actual a sale document between two private individuals. Even further, the petitioner has not even replied to the show cause notice so as to bring forth his stand before the concerned authority.

Faced with this situation, Ld. Counsel for the petitioner seeks permission to withdraw the writ petition with a liberty to file reply to the show cause notice and seek his remedy as per Law.

Prayer is allowed and writ petition is ordered to be **dismissed as withdrawn** with liberty as aforesaid.

(JASWANT SINGH)
JUDGE

(ASHOK KUMAR VERMA)
JUDGE

August 11, 2020
Vinay

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No