

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(217)

CWP-17777-2020

Date of Decision : 10.11.2020

OPENDER GUPTA @ UPENDER GUPTA AND ANOTHER

...Petitioners

Versus

DIVISIONAL COMMISSIONER AND OTHERS

....Respondents

(217-2)

CWP-17711-2020

SUMIT MIGLANI AND ANR

...Petitioners

Versus

DIVISIONAL COMMISSIONER AND OTHERS

....Respondents

(through video conferencing)

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Ashish Aggarwal, Senior Advocate with
Ms. Malika Aggarwal, Advocate for the petitioners.

Mr. Sandeep Moudgil, Addl. Advocate General, Haryana.

Mr. Baldev Raj Mahajan, Senior Advocate with
Mr. Sandeep Moudgil, Advocate for respondents No. 2 and 3.

Harsimran Singh Sethi, J. (Oral)

By this common order, two writ petitions, the details of which have been mentioned in the heading, are being disposed of as both the writ petitions involve the same question of law and similar facts.

Learned senior counsel appearing on behalf of the respondents

states that the Divisional Commissioner, Karnal Division, Karnal, who is the appellate authority under the Municipal Corporation Act, 1994, before whom the appeal preferred by the petitioners against the order dated 15.01.2020 (Annexure P-3) passed by the Commissioner Municipal Corporation, Karnal, is pending, will dispose of the same finally on merits within a period of next two weeks i.e. by 25th of November, 2020.

Learned senior counsel appearing on behalf of respondents further submits that before passing the order, the Divisional Commissioner, Karnal Division, Karnal will also give a personal hearing to the petitioners and the date for the same will be informed to the petitioners. Learned senior counsel appearing on behalf of the respondents further submits that their intend is only to see that the building is not operated by the petitioners in any manner as the operation of the same according to the impugned order passed by the Commissioner is not in accordance with law. Learned senior counsel submits that they do not have any objection in case the petitioners intend to remove any vehicle or any other equipment lying in the said premises.

Learned senior counsel appearing on behalf of the petitioners submits that he is satisfied with the statement of the learned senior counsel appearing on behalf of the respondents recorded above. He submits that the petitioners intend to remove the vehicles and other equipment/machinery lying in the premises and for the said purpose, they will make appropriate application to the Commissioner, Municipal Corporation, Karnal.

Learned senior counsel appearing on behalf of the respondents further submits that the respondents have no objection in case, the petitioners wish to take out the vehicles or any other equipments, which are

lying in the sealed premises and if any request is made to the authorities concerned by the petitioners, same will be considered and allowed expeditiously. Learned senior counsel for the respondents states that their intent is not to let the petitioners operate the building in any manner and they do not intend to confiscate the vehicles or any other equipments lying in the said premises with them.

Keeping in view the above, both the writ petitions are disposed of with a direction to the Divisional Commissioner, Karnal Division, Karnal to dispose of the appeal filed by the petitioners pending before the said authority challenging the order dated 15.01.2020 (Annexure P-3) passed by the Commissioner, Municipal Corporation, Karnal finally by 25.11.2020 positively and that too after giving due opportunity of personal hearing to the petitioners.

Keeping in view the undertaking given by the learned senior counsel appearing on behalf of the respondents, petitioners are given liberty to approach the appropriate authority i.e. Commissioner, Municipal Corporation, Karnal, in case, they want any vehicle or any other equipment to be taken out of the sealed premises. The Court has been assured that if any application is received from the petitioners in this regard, appropriate order will be passed releasing the vehicles or any other equipments lying in the said sealed premises without any undue delay.

Both the writ petitions are disposed of in above terms.

November 10, 2020
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether reasoned/speaking? *Yes/No*
Whether reportable? *Yes/No*