

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP-32936-2019 (O&M)
Date of Decision:-10.02.2020.

Omkar and another

.....Petitioners

Versus

State of Haryana and others

.....Respondents

(2.)

CWP-33677-2019

Lalit

.....Petitioner

Versus

State of Haryana and others

.....Respondents

(3.)

CWP-33281-2019

Subhash and others

.....Petitioners

Versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE SANJAY KUMAR

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

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

Mr. Deepak Manchanda, Advocate for respondent No.2-MC.

SANJAY KUMAR, J. (Oral)

Replications filed in all the matters in response to the written statements filed by the Municipal Corporation, Gurugram, are taken on record.

Copies thereof are supplied to Mr. Deepak Manchanda, learned counsel for respondent No.2.

Challenge in these three writ petitions is to the orders passed by the Municipal Corporation, Gurugram, 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 petitions are 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.

Pending miscellaneous application shall also stands disposed of.

No order as to costs.

(SANJAY KUMAR)
JUDGE

February 10, 2020.

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Whether speaking/reasoned:-

Yes / No

Whether Reportable:-

Yes / No.