

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

CWP-1612-2021

Date of Decision : 25.01.2021

Alpha Corp Development Private Limited

....Petitioner

Versus

Municipal Corporation, Karnal and others

...Respondents

CORAM : HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA

....

Present: Mr.Alok Jain, Advocate
for the petitioner.

...

TEJINDER SINGH DHINDSA, J.(ORAL)

Matter has been taken up through Video Conferencing via Webex facility in the light of the COVID-19 situation and as per instructions.

Challenge in the instant petition is to a show cause notice dated 01.10.2020 (Annexure P-45) issued by the Joint Commissioner, Municipal Corporation, Karnal alleging that the petitioner company has encroached upon certain land of the Municipal Corporation, Karnal. Show cause notice has been issued with regard to vacation of land as also for removal of alleged unauthorized construction raised thereupon.

At the very outset Court has been informed that pursuant to the impugned show cause notice a final order has been passed against the petitioner company on 18.01.2021.

Learned counsel for the petitioner company submits that even though a statutory remedy of appeal against the order dated

18.01.2021 is available but such remedy would be illusory as certain documents/records that had been demanded by the petitioner company even at the stage of show cause notice (Annexure P-45) had not been supplied to it.

Since an advance copy of the instant writ petition had already been served upon the Municipal Corporation, Karnal, Mr.Sandeep Moudgil, Advocate has joined proceedings and puts in appearance for the respondent authorities.

A very fair stand has been taken on behalf of the Municipal Corporation, Karnal that it would be open for the petitioner to inspect the original records and it is stated that a reasonable time be afforded to the petitioner company to file the statutory appeal thereafter and which would be then decided on merits.

In view of the above, there would be no occasion for this Court to examine the validity of the impugned show cause notice dated 01.10.2020 (Annexure P-45). Since a final order dated 18.01.2021 has been passed thereafter and a copy thereof has been supplied to the petitioner company it ought to pursue the statutory remedy available under Section 408B of the Haryana Municipal Corporation Act, 1994.

29.01.2021 is fixed as the date for the authorized official of the petitioner company to inspect the records in the office of the Municipal Corporation, Karnal. A week's time thereafter is granted to the petitioner company to file the statutory appeal under Section 408-B of the Haryana Municipal Corporation Act, 1994. In the eventuality

of the statutory appeal being preferred within the afore-stated time frame the appellate authority i.e. Commissioner, Municipal Corporation, Karnal would then decide the same on merits and without raising objection as regards delay.

At this stage Mr.Moudgil submits that statutory appeal would be decided expeditiously and in any event within a period of six weeks from the date of submission.

Statement is accepted.

It would be open for the petitioner company to file an application along with the statutory appeal before the Commissioner, Municipal Corporation, Karnal with regard to any restraint on the coercive steps to be taken as a result of the final order dated 18.01.2021 that has been passed.

Petition disposed of.

25.01.2021
dss

(TEJINDER SINGH DHINDSA)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	No