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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No.10050 of 2021 (O&M)

Date of decision: 27.05.2021

Harbhajan Singh

....Petitioner

Versus

State of Punjab and others

....Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Anil Kumar Garg, Advocate
for the petitioner.

Ms. Kanika Sachdeva, AAG, Punjab.

Mr. Ashok Kumar Bazaz, Advocate
for respondent No.2.

Mr. Mohd. Yousaf, Advocate
for respondent No.3.

ARVIND SINGH SANGWAN J. (Oral)

Prayer in this writ petition is for issuance of a writ of certiorari for quashing/setting-aside of the order passed by the Municipal Corporation, Ludhiana, for sealing of Shop No.6, forming part of property No.B-XX-22510A, Vishwkarma Market, Mai Nand Kaur Gurudwara Road, Ghumar Mandi, Ludhiana.

Counsel for the petitioner has argued that in fact the petitioner was inducted as a tenant by his erstwhile owner of the property and after the respondent No.3 purchased the same, he has filed a petition for eviction against the petitioner for the grounds available to him and the same is pending and however, by exercising his influence, respondent No.3 has prevailed upon the municipal authorities and has succeeded in getting the order of sealing the shop on the premise that the petitioner has failed to pay some dues, which according to the petitioner has already been paid as per the receipt (Annexure P3).

In pursuance to the notice of motion order dated 21.05.2021, asking the Commissioner, Municipal Corporation, Ludhiana to file a specific affidavit under what provisions of the Act,

CASE HEARD THROUGH VIDEO CONFERENCING

the shop has been sealed and further in compliance of a direction that if no legal justification is given by the Municipal Corporation, it will be burdened with heavy costs.

Counsel for respondent No.3 has submitted that a decision has already been taken on 25.05.2021 to de-seal the shop and in fact, the same has been de-sealed on 26.05.2021.

This fact is not disputed by counsel for the petitioner, however, he has argued that the shop remain sealed for a period of about 01 month and he has suffered substantive loss as the shop is the only source of income for his family.

After hearing the counsel for the parties, finding that the grievance of the petitioner stands redressed, I find that this petition has become infructuous. However, for illegally sealing the shop of the petitioner, the respondent No.2 – Municipal Corporation, Ludhiana, through its Commissioner, is directed to pay the costs of Rs.25,000/- to the petitioner.

Disposed of.

The costs will be paid to the petitioner within a period of 30 days from today by way of a Demand Draft, favouring the petitioner.

However, the payment of costs will be subject to legal rights of the respondent No.2 – Municipal Corporation, Ludhiana.

(ARVIND SINGH SANGWAN)
JUDGE

27.05.2021
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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No