

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

102

CM-8229-CWP-2021 IN/AND
CWP-20978-2017

Date of Decision: 19.07.2021

MAHARISHI MARKANDESHWAR UNIVERSITY TRUST

..... Petitioner

Versus

STATE OF HARYANA AND ANOTHER

..... Respondents

**CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA
HON'BLE MR. JUSTICE VIVEK PURI**

Present : Mr. Brijender Kaushik, Advocate
for the applicant-petitioner.

Mr. Sandeep Moudgil, Addl. A.G, Haryana.

TEJINDER SINGH DHINDSA , J.(ORAL)

This case has been taken up through Video Conferencing via Webex facility in the light of Pandemic Covid-19 situation and as per instructions.

CM-8229-CWP-2021

Prayer in the instant application is for withdrawal of the main writ petition.

Notice in the application.

Mr. Sandeep Moudgil, Addl. A.G, Haryana accepts notice on behalf of respondents No.1 and 2 and waives service.

A complete copy of the application already stands furnished.

In the light of the prayer made in the application and with the consent of counsel for the parties, the date in the main petition is preponed from 24.08.2021 and the same is taken up on Board today itself for final disposal.

Application stands disposed of.

CWP-20978-2017

The petitioner-Trust had filed the instant writ petition in the year 2017 being aggrieved of order dated 21.10.2016 (Annexure P-10) and order dated 25.07.2017 (Annexure P-16) passed by the Principal Secretary, Government of Haryana, Town and Country Planning (Appeals) Haryana, in terms of which the petitioner-Trust had been denied the occupation certificate pertaining to Blocks A, B and Boys Hostel in the institutional Buildings falling in the Revenue Estate of Village Saddopur and Dangarhi-District Ambala and the demand of Rs.38 Lakhs approximately towards composition fee, Rs.27,000/- as Administrative Charges and Rs.26,50,000/- approximately towards Labour Cess. Instant petition had come up for preliminary hearing before this Court on 15.09.2017 and the following order was passed:-

“Issue notice of motion returnable on 11.12.2017.

Learned counsel appearing on behalf of the petitioner states that the petitioner has completed the construction as per the sanctioned plans and within the prescribed time. He further states that an application for occupation certificate was made on 27.10.2009. Repeated reminders were sent by the petitioner to the respondents concerned. Despite the same, according to him, there was complete silence on the respondents part till the year 2016 when they inter-alia levied a compounding fee of about Rs.38,00,000/- (thirty eight lacs). It is this compounding fee that is challenged in this writ petition. In these circumstances, the impugned demand of Rs.38,00,000/- shall remain stayed subject to the petitioner depositing Rs.20,00,000/- by 25.09.2017 and filing an undertaking on affidavit that the respondents would pay the balance amounts, if so directed by the Court within seven days of their being required to do so with interest as fixed by the Court.

In the event of the amount not being deposited by the petitioner and or the undertaking not being furnished by 25.09.2017, this interim order shall stand vacated without further reference to the Court.”

Learned counsel for the petitioner makes a statement that he has received instructions from the petitioners-Trust not to pursue the instant petition. He further submits that accordingly, he seeks withdrawal of the writ petition.

It was made clear to the counsel that by virtue of his prayer for withdrawal of the writ petition being accepted, the challenge of the impugned orders in the writ petition at Annexures P-10 and P-16 would be given up.

Counsel concedes to the same.

In the light of such categorical submission made by the counsel for the petitioner-Trust, the writ petition is dismissed as withdrawn.

(TEJINDER SINGH DHINDSA)
JUDGE

(VIVEK PURI)
JUDGE

19.07.2021

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