

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

**CWP No.1497 of 2020 (O&M)
Date of Decision: May 10, 2022**

Arti

.....Petitioner.

Versus

State of Punjab and others

.....Respondents.

**CORAM: *HON'BLE MR. JUSTICE AMOL RATTAN SINGH*
*HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA***

Present:- None for the petitioner.

Mr. Rana Harjasdeep Singh, DAG, Punjab.

Mr. Naresh Kumar, Advocate
for respondent No.4.

AMOL RATTAN SINGH, J. (Oral)

By this petition, filed under the provisions of Articles 226/227 of the Constitution of India, the petitioner has prayed for issuance of a writ in the nature of mandamus seeking directions to the respondents to charge external development charges, change of land use, permission fees, urban development charges at the rate fixed vide notification dated 06.10.2017 (Annexure P-2), for depositing Naqsha Fees for construction of a house, as the respondent is charging Rs.1342/- per square yards as external development charges, change of land use, permission fees, urban development charges in accordance with the notification dated 19.08.2007 (Annexure P-4), which is stated to be a highly excessive rate as compared to the rate fixed by respondents No.1 and 2 through the notification dated

06.10.2017. The petitioner has further prayed for issuance of a writ in the nature of mandamus directing the respondents to charge different rates of external development charges, change of land use, permission fees, urban development charges for different size of plots, in accordance with the Periphery Policy dated 20.01.2006 (Annexure P-5).

The petitioner, who was appearing in person till 18.03.2020, has never come present thereafter on the past two dates with the position being the same today.

On 18.03.2020, the following order was passed:

“CM-4566-CWP-2020

Application to be heard with the main case.

CWP-1497-2020

Learned counsel for respondent No.4 submits that, in case, the petitioner attends the office of Executive Officer, Municipal Council, Nayagaon within a week from today, she shall be apprised of the manner in which the calculation has been made after taking into consideration instructions dated 12.02.2020.

To come up on 28.04.2020.”

Learned counsel for respondent No.4-Municipal Council submits that as a matter of fact, the petitioner never visited the office despite the fact that an attempt was made to communicate with her by telephone. He further states that, in fact, her grievance already stands redressed. However, he fairly submits that in case she is still aggrieved by any action, naturally, there would be no bar for her to challenge any such action.

That being so, the petitioner not having come present for the third time in succession and the aforesaid statement made by learned counsel for respondent No.4, this petition is deemed to have been rendered infructuous and is disposed of as such.

(AMOL RATTAN SINGH)
JUDGE

May 10, 2022
Yag Dutt

(MEENAKSHI I. MEHTA)
JUDGE

Whether speaking/reasoned: *Yes*

Whether Reportable: *No*