

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

CWP-4128-2022 (O&M)

Date of Decision:03.03.2022

M/s Prestige Auto World Pvt. Ltd.

.....Petitioner

Versus

Haryana Shahari Vikas Pradhikaran and others

.....Respondents

**CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA
HON'BLE MR. JUSTICE LALIT BATRA**

Present:- Mr. Raktim Gogoi, Advocate for the petitioner.

TEJINDER SINGH DHINDSA J.(Oral)

Instant writ petition is at the hands of M/s Prestige Auto Private Limited, raising the following prayers:-

“ i. *A writ of in the nature of mandamus directing the Respondents No.1 & 2 to not take any coercive action in furtherance of the Impugned Notices dated 24.01.2022 (P-17) and 27.01.2022 (P-18) respectively and maintain status quo qua the land in question.*

ii. *A writ in the nature of certiorari quashing the Impugned Show Cause Notice dated 27.01.2022 (P-18) issued by the Respondent No.1 addressed to the Respondent No.3-Mr. Kishan Chand, whereby an opportunity for personal hearing u/s 18 (1) (b) of the Haryana Shahari Vikas Pradhikaran Act, 1977 has been granted stating therein that the said land is property of HSVP and he is an unauthorized*

occupant of the said premises.

(iii) A writ in the nature of certiorari quashing the Impugned Notice dated 24.01.2022 (P-17) issued by the Respondent No.2 whereby the Municipal Corporation of Gurgaon has directed the Respondent No.3 for clearing the default in payment of property tax amounting to Rs.26,64,230/- from 2008-09 to 2021-22 and further stating therein that the said sum should be deposited by 23.02.2022 failing which the property i.e. the land in question shall be attached/sealed and sold through public auction.

iv. A writ in the nature of mandamus directing the Respondent No.1 & 2 to grant additional time to the petitioner herein to relocate from the land in question and make alternative arrangements for conducting his business activities.”

v. This Hon'ble Court may also pass any order which this Hon'ble Court deems fit in the facts and circumstances of the case.”

Learned counsel at the very outset confines the scope of the instant petition qua prayer at (iv) as reproduced hereinabove. Even as regards such limited relief sought, the query put to counsel was as to whether the petitioner has approached the concerned authorities/respondents No.1 and 2 for grant of additional time to facilitate the petitioner to relocate the land in question.

The candid response is that till date respondents No.1 and 2 have not been approached even as regards such limited relief.

Confronted with such a situation counsel seeks withdrawal of the instant writ petition with liberty to approach respondents No.1 and 2 only on such limited aspect that is to be granted additional time to re-locate from the land in question and to make alternative arrangements for conducting the business activities.

In the light of such submission, writ petition is disposed of as withdrawn with liberty as indicated hereinabove.

It is, however, made clear that such liberty which is being granted would not be construed as an expression of opinion on merits of even such limited prayer.

Disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

(LALIT BATRA)
JUDGE

03.03.2022

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No