

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

250

CWP-1884-2022

Date of Decision: 17.10.2023

AMIT KUMAT BANSAL AND OTHERS

... Petitioners

VERSUS

CHANDIGARH ADMINISTRATION AND OTHERS

... Respondents

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ.

Present: Mr. Rahul Jaswal, Advocate for
Mr. Arpan Narula, Advocate
for the petitioner.

Mr. M.S. Nain, Addl. Standing Counsel
for respondents No.1 to 5.

Mr. Akhil Dadwal, Advocate for
Mr. K.S. Dadwal, Advocate
for respondent No.6.

VINOD S. BHARDWAJ, J. (ORAL)

Prayer made in the present petition is for seeking issuance of directions to respondents No.4 and 5 to apprise the latest status of the complaint dated 22.11.2021 (Annexure P-7) submitted by the petitioner against the parking contractor of the vegetable market in Sector 26, Chandigarh and also for restraining the respondents from forcibly collecting the parking fee from the area/sites which were beyond the ambit of allotment as per the letter dated 08.10.2020 (Annexure P-5) i.e. the sites mentioned at Sr. No.13 to 16 in Clause VII of the letter of allotment.

Written statement on behalf of respondents No.1 to 5 has been filed as per which, pursuant to the receipt of the complaint from the petitioners herein, an inspection was conducted and upon noticing the facts as alleged to be correct and appropriate, an FIR No.42 dated 17.03.2022 had been registered under Sections 385, 420, 341 and 120-B of the IPC at Police Station East, Sector 26, Chandigarh against respondent No.6. It has also been apprised that the contract allotted to respondent No.5 has also been terminated and the bank guarantee of the contractor amounting to Rs.22,12,112/- is in the process of being forfeited.

Counsel for the petitioner informs that the contractor has not only been blacklisted but also an order of forfeiture of his bank guarantee has been passed.

A status report has also been filed by respondent No.5 apprising that all the requisite documents have been provided to the Investigating Agency and that appropriate steps as per the applicable laws are being undertaken.

On a specific query, counsel appearing on behalf of the U.T. Chandigarh apprises that repeated steps for removal of unauthorized encroachment over the public space in the Vegetable Market in Sector 26 and also against the encroachers is being taken. Besides, action has been taken against respondent No.6 for having illegally charged the parking fee and having encroached upon the area beyond what had been allotted to him. The contractor having been blacklisted, the FIR having been registered and the bank guarantee of the contractor having been forfeited, there is no other action required to be taken in the matter. He, on

instructions from Sub Inspector Karan Singh, further assures this Court that the final report in abovementioned FIR No.42 dated 17.03.2022 shall positively be filed within a period of three months from today, so that further action in the criminal case can be initiated against the violator as per law.

The aforesaid status report and the submissions advanced on behalf of the counsel for the respondents reflect that all the issues that were raised and highlighted by the petitioners in the present petition have been redressed and that no further relief can be granted.

The present petition is accordingly disposed as having being rendered infructuous.

Respondents shall, however, remain bound by the statement made today in Court by their counsel.

17.10.2023.

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(VINOD S. BHARDWAJ)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No