

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

207

CWP No.116 of 2003

Date of decision:13.09.2023

UNION OF INDIA

.... Petitioner

Versus

ASSESSING AUTHORITY, HARYANA STATE POLLUTION CONTROL
BOARD AND OTHERS

.... Respondents

**CORAM: HON'BLE MS. JUSTICE RITU BAHRI
HON'BLE MRS. JUSTICE MANISHA BATRA**

Present : None for the petitioner.

Ms. Mamta Singla Talwar, DAG, Haryana.

RITU BAHRI, J. (oral)

The Union of India has filed the present writ petition seeking quashing of order passed by respondent No.1 dated 14.03.2002 for the period 4/78 to 12/2002 wherein demand of Rs.4,63,456/- has been raised for violation of provisions of water (Prevention and Control of Pollution), Cess Act, 1977 and rules framed thereunder known as Water (Prevention and Control of Pollution), Cess Rules, 1978 as demand raised in respect of Railway Station Karnal is not permissible in view of the provisions of Article 285 of the Constitution of India and Section 184 of the Railways Act, 1989.

A short reply has been filed on behalf of Deputy Commissioner-cum-Collector, Karnal/respondent No.4 stating therein that recovery certificates amounting to Rs.57,260/-, Rs.3,92,200/- and Rs. 13,996/- were received from respondent No.1 for recovery of over due amount as arrear of Land Revenue. All the recovery certificates were returned to respondent No.1 through Collector and no action was ever initiated by the respondent except that of issuance of the said notices by the Tehsildar.

In the present case as per the rule filed on behalf of the Deputy Commissioner-cum-Collector, Karnal all the recovery notices sent by respondent No.1 to respondent No.4 have been returned back to respondent No.1 and it is not the case of respondent No.1 that any fresh notices were issued to respondent No.4 for the abovesaid recovery.

No reply has been filed by respondent No.1 to contradict the reply given by respondent No.4-Deputy Commissioner-cum-Collector, Karnal that after recovery notices were returned by respondent No.4 to respondent No.1 fresh notices have been sent.

Keeping in view the above fact, this petition is being disposed of as no notice survives for recovery against the petitioner and no cause of action survives.

Pending application, if any, also stands disposed of.

(RITU BAHRI)
JUDGE

(MANISHA BATRA)
JUDGE

13.09.2023
Jyoti-IV

Whether speaking/reasoned:	Yes/No.
Whether reportable :	Yes/No