

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

(108)

CWP-8820-2023

Date of decision: - 17.05.2023

Jaspreet Singh Bhatia

....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Swarn Tiwana, Advocate,  
for the petitioner.

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**VIKAS BAHL, J. (ORAL)**

1. This writ petition has been filed under Articles 226/227 of the Constitution of India for issuance of appropriate writ, order or direction especially in the nature of certiorari for quashing of the impugned order dated 17.06.2021 (Annexure P-3) passed by respondent No.2 whereby respondent No.2 has stayed the order dated 23.04.2021 (Annexure P-2).

2. Learned counsel for the petitioner has submitted that in the present case, the Commissioner, Municipal Corporation, Patiala, vide order dated 17.06.2021 (Annexure P-3), had granted a stay against disconnection of sewerage connection in favour of respondent No.3 on the ground that court litigation between the parties was pending and liberty was given to both the parties to move an application before the

Commissioner, Municipal Corporation, Patiala after the said litigation is decided and in case of either of the parties doing so, further necessary action in accordance with law would be taken. It is further submitted that a civil suit filed by respondent No.3 has been dismissed vide judgment dated 22.11.2021 (Annexure P-4) and the appeal against the said judgment thereafter has also been dismissed and against the said litigation, no further appeal has been preferred. It is also submitted that the said facts were brought to the notice of the Commissioner, Municipal Corporation, Patiala by filing a representation dated 07.07.2022 (Annexure P-6), but no action has been taken on the same. It is stated that the petitioner would be satisfied in case respondent No.2 is directed to consider the said representation dated 07.07.2022 (Annexure P-6) in a time bound manner and in case the pleas of the petitioner are found to be meritorious, then, necessary action against respondent No.3 be taken in accordance with law.

3. Keeping in view the above-said facts and circumstances, the present writ petition is disposed of with a direction to respondent No.2 to consider the representation dated 07.07.2022 (Annexure P-6) within a period of one month from the date of receipt of certified copy of this order and in case, respondent No.2 finds merit in the pleas raised by the petitioner, then, necessary action be taken in accordance with law after granting opportunity of hearing to respondent No.3 and in case, respondent No.2 is of the opinion that the pleas raised by the petitioner are not meritorious, then, a speaking order rejecting the claim of the petitioner be passed within a period of one month from the date of receipt

of certified copy of this order.

4. It is made clear that this Court has not opined on the merits of the case and respondent No.2 would consider and decide the matter independently, in accordance with law.

May 17, 2023  
naresh.k

( VIKAS BAHL )  
JUDGE

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|----------------------------|--------|
| Whether reasoned/speaking? | Yes/No |
| Whether reportable?        | Yes/No |