

IN THE PUNJAB AND HARYANA HIGH COURT AT
CHANDIGARH

130

CWP-11416-2023 (O&M).
Date of Decision: 29.05.2023.

HARMIT SINGH AND ANOTHER

.. Petitioners

Versus

STATE OF PUNJAB AND OTHERS

... Respondents

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

Present: Mr. Karanvir Hooda, Advocate,
for the petitioners.

VINOD S. BHARDWAJ, J. (ORAL)

The present petition has been filed for seeking quashing of the impugned notices dated 30.09.2022 and 22.03.2023 (Annexures P-6 and P-13) respectively whereby the respondents had directed the petitioners to complete the necessary infrastructure/documentation before completion certificate can be issued to them.

Learned counsel appearing on behalf of the petitioners informs that the respondents have thereafter also sealed the premises and contends that 300 children are housed in the above said building which is being run by a charitable trust. He, however, fairly concedes that the petitioners have an alternative efficacious remedy of approaching the District Judge under Section 269 (2) of the Punjab Municipal Corporation Act, 1976 and therefore, he undertakes to take recourse to such remedy. He further contends that the

urgency, however, is that 300 children who were being kept in the said premises would be ousted as a result of the aforesaid sealing.

Without commenting on the merits of the present case and/or merits of the action that has been taken by the respondents-Municipal Corporation, Patiala, the present petition is disposed of as withdrawn with liberty to the petitioner to take recourse to the remedy available to him in accordance with law.

In the meanwhile, however, as a measure of balancing equities and to mitigate hardship that is being espoused by the petitioners and without commenting on the merits of the claim, the respondent Municipal Corporation, Patiala, is restrained from executing the order of sealing the premises for a period of 15 days from today so as to enable the petitioners to file an appropriate petition before the competent Forum.

May 29, 2023
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(VINOD S. BHARDWAJ)
JUDGE

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