

CWP-15926-2013

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Neutral Citation No. 2023:PHHC:162652

101-2nd case

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

CWP-15926-2013

Date of Decision: December 18, 2023

Arvind Kumar and others

.....Petitioners

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE RAJESH BHARDWAJ

Present: Mr.B.S.Sidhu, Sr.Advocate with
Mr.Chandan Singh, Advocate
for the petitioners.

Ms.Akshita Chauhan, Deputy Advocate General, Punjab.

Mr.J.S.Toor, Advocate
for respondent No.4.

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RAJESH BHARDWAJ, J.(ORAL)

Petitioners have approached this Court praying for quashing of impugned orders, Annexures P-20 to P-35 and for a writ of mandamus directing the respondents to effect the sale of the shops in favour of the petitioners in view of the orders dated 30.03.2001, Annexure P-8, passed by Divisional Commissioner, Patiala Division, Patiala, and upheld by the Hon'ble Supreme Court of India, Annexure P-13, and to determine the rent of the shops, if any permissible under law, keeping in view Memo No.1/153/85-LG Unit II/9954 dated 21.07.1986, Annexure P-3, as directed by the Government vide memo No.8/70/07-3LG(3) 3957 dated 05.05.2008, Annexure P-19.

Learned counsel for the petitioners has submitted before this

Court that during pendency of this petition, the new Act, namely, Punjab

Management and Transfer of Municipal Property Act, 2020, has come in operation and case of the petitioners should be considered under the same Act.

Learned counsel for the respondent-MC inter alia has submitted that though this case has a checkered history and went upto the Hon'ble Apex Court as well, however, he submits that if the petitioners file a fresh representation, mentioning all the grounds available to them, to be considered under the New Act, the same would be considered in accordance with law.

In view of the statement made by learned counsel for the MC, the present petition is disposed of with liberty to the petitioners to file a fresh representation before Executive Officer/respondent No.4-MC, for redressal of their grievances within two weeks from the date of receipt of a certified copy of this order and in case the representation is filed, respondent No.4 is directed to decide the same in accordance with law by passing a speaking order, within four weeks from the date of its receipt. It is further directed that the order passed by respondent No.4 be communicated to the petitioners as well.

However, the petitioners would be at liberty to pursue their remedies in case any further cause of action accrues to them.

December 18, 2023

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(RAJESH BHARDWAJ)**JUDGE****1. Whether speaking/reasoned ?****Yes/No****2. Whether reportable ?****Yes/No**