

235-B

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

CWP-8927-2017

Date of decision : 02.02.2023

M/s Spade Advertisement Pvt. Ltd.

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: None for the petitioner.

Mr. Rajneesh Chadwal, AAG, Haryana.

VIKAS BAHL, J. (ORAL)

This is a Civil Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ in the nature of mandamus directing respondent-Corporation to permit the petitioner to continue the display of Outdoor Advertisement on a private building No.4, DLF Cyber Hub, Cyber City, DLF Phase-II, Gurgaon, measuring 288 sq. ft.

A perusal of index of the paper book would show that reference has been made to another writ petition bearing No.CWP-1348-2017 which was stated to be a similar matter.

On 28.04.2017, a Coordinate Bench of this Court had passed the following order:-

“Learned counsel for the petitioner relies upon the order dated 25.01.2017 passed in CWP No.1348 of 2017.

Notice of motion for 08.05.2017.

Interim order in the same terms as passed in CWP No.1348 of 2017.

To be heard along with CWP No.1348 of 2017.

A photostat copy of this order be placed on connected case.

April 28, 2017

Sd/- (AMIT RAWAL)

JUDGE”

A perusal of the same would show that in the present petition, reliance was placed upon notice of motion order passed in writ petition bearing No.CWP-1348-2017 and the case was to be taken up alongwith writ petition bearing No.CWP-1348-2017.

Learned counsel for the State has pointed out that writ petition bearing No.CWP-1348-2017 has been dismissed as having been rendered infructuous on 01.05.2019.

Relevant portion of the order dated 01.05.2019 passed in writ petition bearing No.CWP-1348-2017 is reproduced hereinbelow:-

“Main Case

Challenge in the present petition is to the show cause notice dated 19.01.2017 (Annexure P-1) for removal of outdoor advertisements being displayed by the petitioner.

Learned counsel for the applicant/respondent(s) submits that Haryana Municipal Corporation Byelaws,2016 have been repealed by notifying the Haryana Municipal Corporation Advertisement Byelaws, 2018 vide notification dated 28.03.2018 (Annexure P-1) and since the new Bye-laws of 2018 have been notified, the present writ petition has been rendered infructuous. This factual position has not been disputed by the learned counsel for non-applicant/petitioners.

Learned counsel for the respondent(s) further makes a

statement at bar that the charges as per 2016 Haryana Municipal Corporation Bye-laws shall be applicable and the charges prevailing prior to 2016 shall be recovered from the petitioner(s) upto 28.03.2018 till the commencement.

In this view of the matter, the present petition is dismissed as having been rendered infructuous.

Sd/-(JITENDRA CHAUHAN)

May 01, 2019

JUDGE”

Learned counsel for the State has further pointed out that since the Haryana Municipal Corporation Byelaws, 2016 have been repealed by notifying the Haryana Municipal Corporation Advertisement Byelaws, 2018 vide notification dated 28.03.2018 and since the new Bye-laws of 2018 have been notified, the present writ petition has been rendered infructuous.

Today, no one has appeared on behalf of the petitioner in order to rebut the abovesaid aspect.

Keeping in view the abovesaid facts and circumstances, the present Civil Writ Petition is disposed of as having been rendered infructuous.

Liberty is however, granted to the petitioner to file an application for restoration of the present case or to file a fresh petition in case any cause survives to the petitioner.

All the pending miscellaneous applications, if any, shall stand disposed of in view of the abovesaid order.

02.02.2023

Pawan

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No