

137

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No.28939 of 2023
Date of decision : 21.12.2023

Pardeep Kumar

..... Petitioner

Versus

Municipal Corporation Moga and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Yugank Goyal, Advocate with
Mr. Ankit Tayal, Advocate
for the petitioner.

RAJESH BHARDWAJ, J. (Oral)

Present writ petition has been filed for directing respondents No.1 & 2 to de-seal shop No.565/3, measuring 15'X45', situated at Maharaja Aggarsain Market, Outside Kashmiri Park, opposite B.Ed College of Education near Geeta Bhawan Chowk, Moga which has been sealed on the intervening night of 20.10.2023/21.10.2023 by the said respondents without obtaining any order of eviction either under Section 5 of the Punjab Public Premises and Land (Eviction and Rent Recovery) Act, 1973, or section 18 of the Punjab management and Transfer of Municipal Properties Act, 2020 or any other such applicable law, by merely affixing a demand notice dated 26.07.2023 (Annexure P-10) on the said shop in the name of respondent No.3 being contrary to procedure established by law. Further prayer has been made for directing respondents No.1 and 2 to consider allotting shop No.565/3, measuring

15'X45', situated at Maharaja Aggarsain Market, Outside Kashmiri Park, opposite B.Ed College of Education near Geeta Bhawan Chowk, Moga to the petitioner as a tenant in place of respondent No.3 at the prevalent market rate and at such other agreeable terms and conditions.

Learned counsel for the petitioner has submitted before this Court that for the redressal of grievance of the petitioner, he has already filed his representation dated 23.08.2023 (Annexure P-11) before respondents No.1 and 2 but no decision has been taken on the same till date. He further submits that without deciding the same, the shop of the petitioner has been sealed totally in contravention of the settled principles of law.

Notice of motion to the official respondents at this stage.

On asking of the Court, Ms. Akshita Chauhan, DAG, Punjab appears and accepts notice on behalf of respondents No.1 and 2. She has stated that representation made by the petitioner would be decided expeditiously.

Learned counsel for the petitioner has submitted that the petitioner's personal items specially pertaining to the business are also lying inside the shop and he was not given any opportunity of taking out these items at the time of sealing of the shop.

In view of the above position, the present petition stands disposed of with a direction to respondent No.1-the Commissioner, Municipal Corporation, Moga to look into the representation of the petitioner dated 23.08.2023 (Annexure P-11) and decide the same in

accordance with law within a period of four weeks from today.
Respondent No.1 would also consider the grievance of the petitioner regarding the articles lying in the shop and if the articles are not required for the legal proceedings, the same be released to the petitioner as per law.

(RAJESH BHARDWAJ)
JUDGE

21.12.2023

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