

THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No.3414 of 2024
Date of Decision: 16.02.2024

Naveen Kumar

..... Petitioner

Versus

State of Punjab and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Ravish Bansal, Advocate
for the petitioner.

RAJESH BHARDWAJ, J. (ORAL)

Present writ petition has been filed for directing the respondents not to obstruct the removal of 12 Unipoles erected/installed by the petitioner within the limits of Municipal Council Baghapurana/respondent No.4 for displaying advertisements as petitioner was granted contract for advertisement fee collection by respondent No.4 vide agreement dated 30.08.2013 (Annexure P-1) w.e.f. 01.09.2013 which was extended till 31.03.2017 and said contract period has now elapsed. Further prayer has been made for directing the respondents to pay usage charges at the rate of Rs.72,000/- per annum per Unipole w.e.f. 01.04.2017 qua 8 unipoles and w.e.f. 01.03.2022 qua 4 Unipoles till date on account of illegal and unauthorized usage of said Unipoles by Municipal Council, Baghapurana/respondent No.4 and its agents, employees, contractors, licensees etc. and to pay interest at the rate of

18% per annum on the aforesaid amount from the date of its accrual till actual payment as respondent No.4 is permitting the display of advertisements on said unipoles belonging to the petitioner and is collecting advertisement fee from the users without any authority; for directing the respondents to issue fresh tender and to hold open auction for contract of collection of advertisement fees within the area of Municipal Council, Baghapurana in a free ad fair manner; for directing the respondents to conduct an inquiry into the matter of allocating sites for displaying advertisements by the authorities of Municipal Council Baghapurana to some particular handpicked persons having patronage of/affiliation with ruling party in the State of Punjab and at the same time denying the opportunity of displaying advertisements to other persons including the petitioner, that too without any open auction thereby causing financial loss to the State and Municipal Council and for directing the respondents to consider and decide representations dated 20.07.2022 (Annexure P-4) and 12.12.2023 (Annexure P-5) submitted by the petitioner lawfully, expeditiously and in a time bound manner after affording opportunity of hearing to the petitioner.

Learned counsel for the petitioner has submitted before this Court that for the redressal of grievance of the petitioner, he has already filed his representations dated 20.07.2022 and 12.12.2023 (Annexures P-4 and P-5) before the respondents but no decision has been taken on the same till date. He further submits that the petitioner will be satisfied if a direction is issued to respondent No.4 i.e. the Executive

officer, Municipal Council, Baghapurana, District Moga to decide the representation dated 12.12.2023 (Annexure P-5) in a time bound manner.

Notice of motion.

On asking of the Court, Mr. Navneet Singh, Sr. DAG, Punjab appears and accepts notice on behalf of the respondents-State. He has submitted that the representation filed by the petitioner before respondent No.4 would be decided expeditiously.

In view of the above position, the present petition stands disposed of with a direction to respondent No.4 i.e. the Executive officer, Municipal Council, Baghapurana, District Moga to look into the representation of the petitioner dated 12.12.2023 (Annexure P-5) and decide the same in accordance with law within a period of four weeks from today.

(RAJESH BHARDWAJ)
JUDGE

16.02.2024
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Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No