

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-3725-2024
Date of decision: 28.02.2024

Subhash ChandPetitioner

Versus

State of Haryana and othersRespondents

CORAM: HON'BLE MR. JUSTICE ARUN PALLI
HON'BLE MR. JUSTICE VIKRAM AGGARWAL

Present: Mr. Nischal Chetanya Manchanda, Advocate,
for the petitioner.

ARUN PALLI, J. (Oral)

The petitioner has prayed for the following substantive relief:-

“Civil Writ Petition under articles 226/227 of the Constitution of India, praying for issuance of an appropriate writ order or direction especially in the nature of certiorari quashing the impugned Letter/order dated 07.06.2023 issued by respondent No.3 (Annexure P-14), whereby the respondent No.3 illegally demanded Rs.27,156/- as outstanding/due from the petitioner in respect of Plot/Booth No.270, situated in New Vegetable Market, Jagadhari, District Yamuna Nagar allotted by respondent No3.;

AND

Further issuance of an appropriate writ, order or direction especially in the nature of mandamus directing the respondents issue N.O.C. and Completion Certificate to the petitioner and execute a Conveyance Deed in favour of the petitioner in respect of Plot/Booth No.270, situated in New Vegetable Market, Jagadhari, District Yamunanagar as the petitioner has cleared/paid all the outstanding.

AND

Further issue a Writ of Mandamus directing the respondents to refund an amount of 1,75,1000/- along with interest @18% p.a. from the date of deposit till realization as the same was taken by the respondent No.3 vide receipt dated 18.08.2023 in an illegal and arbitrary manner on account of non-construction fee, although the construction has already been made in the year of 2007 and deposited by the petitioner under protest in the compelling circumstances vide letter dated 20.08.2013.”

At the outset, learned counsel for the petitioner submits that prior to the institution of this petition, the petitioner had even served the respondent authorities with a representation dated 15.09.2023 (P-16). However, even though a considerable time has elapsed, but the matter has not made any tangible progress. Resultantly, interest/rights of the petitioner continue to suffer.

Served with the advance copy of the petition, Mr. Ankur Mittal, Advocate, along with Ms. Kushaldeep Kaur, Advocate, for respondents No.2 and 3 is present in Court. He submits that as the competent authority (Executive Officer-cum-Secretary, Market Committee-respondent No.3) is already in seisin of the concerns/grievances of the petitioner, it would be expedient if this petition is disposed of, at this stage, to enable the respondent-authorities to consider and pass necessary orders on his representation (*ibid*), in accordance with law. Further, he submits that before any such orders are passed, the petitioner shall also be afforded a hearing. It is urged that the petitioner or his authorised representative(s) may appear before respondent No.3 on 04.03.2024 at 11:00 AM, in this regard

Learned counsel for the petitioner is in agreement with the course suggested by learned counsel for respondents No.2 and 3, and submits that let this petition be disposed of, in terms of the statement made by him. However, it is urged that the authorities be directed to do the needful within a specified time.

In response, learned counsel for respondents No.2 and 3 submits that appropriate orders shall be passed within a period of two weeks from today.

The petition is accordingly disposed of, in terms of the statements made by learned counsel for the parties.

This Court is sanguine that the authorities shall look into the matter in the right earnest. And the appropriate orders shall be passed within the time indicated by the learned counsel for respondents No.2 and 3.

Needless to assert that this order shall not constitute any expression of opinion on the merits of the case of either party, for, as indicated above, the competent authority shall examine the concerns/grievances of the petitioner, strictly in accordance with law.

(ARUN PALLI)
JUDGE

(VIKRAM AGGARWAL)
JUDGE

28.02.2024
Ak Sharma

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