

THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No.8396 of 2024
Date of Decision: 24.04.2024

M/s Dashmesh Steel Rolling Mills
..... Petitioner

Versus

State of Punjab and others
..... Respondents

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Nakul Sharma, Advocate
for the petitioner.

Mr. Baltej Singh Sidhu, Senior Advocate with
Mr. Himmat Singh Sidhu, Advocate
for respondents No.6 and 7.

RAJESH BHARDWAJ, J. (ORAL)

Present writ petition has been filed for directing respondent No.1 to decide the appeal of petitioner in a time bound manner filed under Section 237 of Punjab Municipal Act, 1911 titled as ‘M/s Dashmesh Steel Rolling Mills v/s Deputy Commissioner, Fatehgarh Sahib and others’ as the said appeal dated 15.01.2024 was filed on 08.02.2024 (Annexure P-16) being diary No.1302 dated 08.02.2024 along with interim prayer, however even after a gap of almost 2 months, neither prayer for interim relief has been decided nor appeal filed by the petitioner has been decided. Further prayer has been made that during the pendency of appeal pending before respondent No.1, possession of the suit property may kindly be restored to petitioner as the possession of suit property has been taken without there being any ejectment order passed by any Competent Court or any order passed under Public Premises Act and for staying the operation of impugned

agenda issued by respondent No.7 dated 07.03.2024 (Annexure P-17) bearing item No.11(a) (Annexure P-8) regarding construction of eat street (food court) on the suit land.

It has been contended by learned counsel for the petitioner that though the appeal under Section 237 of Punjab Municipal Act, 1911 was filed before respondent No.1 on 08.02.2024 but till date, the same has not been listed for hearing.

Notice of motion.

On asking of the Court, Mr. Navneet Singh, Sr. DAG, Punjab and Mr. Himmat Singh Sidhu, Advocate appear and accept the notice on behalf of respondents No.1 to 5-State and respondents No.6 & 7, respectively.

Heard.

On hearing learned counsel for both the parties and perusing the record, it is apparent that though the appeal has been filed before respondent No.1 but till date, no date of hearing has been given by the Appellate Authority.

In view of the above position, the present petition is disposed of with direction to respondent No.1 i.e. Principal Secretary, Local Government Department, Municipal Bhawan, Chandigarh to fix the appeal filed by the petitioner for hearing by 15.05.2024 and decide the stay application in accordance with law subject to objections if any.

24.04.2024
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(RAJESH BHARDWAJ)
JUDGE

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