

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-9685-2024
Date of decision: 30.04.2024

Deepak SharmaPetitioner

versus

State of Haryana and others Respondents

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Namit Khurana, Advocate
for the petitioner.

RAJESH BHARDWAJ, J. (Oral)

Prayer in the present petition is for quashing of the order/communication dated 04.12.2023 (Annexure P-7) passed by respondent No.4 whereby demand notices issued to petitioner under Chief Minister Urban Body Ownership Scheme were cancelled which is illegal, arbitrary and thus, liable to be set aside. Further prayer has been made for directing respondent No.4 to execute the conveyance deed of the shop and to decide the representations dated 23.02.2024, 28.02.2024, 05.03.2024 and 10.03.2024.

Inter alia, it has been contended by counsel for the petitioner that petitioner was duly allotted the shop in dispute and he paid the requisite charges for the same as well. It is submitted that thereafter, he was served with the demand notice however, the same was illegally cancelled by the respondents-authorities by virtue of the impugned order passed. He submits that petitioner has filed the representation before the competent authority as well however, no action has been taken till date.

Notice of motion.

On asking of the Court, Ms. Upasana Dhawan, AAG,

Haryana accepts notice on behalf of the State. She, at the outset, submits

that the present petition is not maintainable. However, in view of the policy, petitioner has a remedy of appeal to be filed before the Competent Authority under Section 9 as per Government notification dated 19.04.2023 and thus, he can avail the same.

However, learned counsel for the petitioner submits that he has already filed a representation dated 05.03.2024 before respondent No.2-Director, Directorate of Urban Local Bodies, Panchkula and the same can be treated as appeal in view of Section 9 of the Notification. However, learned State counsel submits that the same has been sent through email and the petitioner should file the appeal/representation as per mandate of the Act.

In view of the above, learned counsel for the petitioner submits that he may be allowed to withdraw the present petition with liberty to the petitioner to file appeal before the competent authority and the direction be given to the competent authority to decide the same expeditiously.

Allowed as prayed for.

Petition is dismissed as withdrawn. However, petitioner would be at liberty to file the appeal/representation in view of the provisions of the notification within seven days from the date of receipt of copy of this order before the competent authority who would decide the same on hearing the parties in accordance with law expeditiously, preferably, within two months from the date of its filing the appeal/representation.

30.04.2024
m. sharma

(RAJESH BHARDWAJ)
JUDGE

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