



**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

CWP-16883-2024

Date of Decision: 23.07.2024

Sunil Kumar Dhariwal and others

..... Petitioners

Versus

The Chandigarh Administration and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present: Mr. Sanjiv Gupta, Advocate
for the petitioners.

Ms. Madhu Dayal, Advocate
for the respondents.

HARSH BUNGER J. (ORAL)

1. Petitioners have filed the instant writ petition under Articles 226/227 of the Constitution of India seeking a writ in the nature of Certiorari to quash impugned communication dated 13.03.2024 (Annexure P-25) and impugned order dated 22.05.2024 (Annexure P-26) passed by the Commissioner, Municipal Corporation, Chandigarh, whereby the claim of petitioners has been rejected and the premises of Taxi Stands have been sealed.

2. Learned counsel for the petitioners, at the outset, submits that there are certain outstanding dues/arrears on account of ground rent along with interest and G.S.T., which are recoverable from the petitioners herein individually, however, due to financial constraints, the petitioners are not in a position to clear the aforesaid dues/arrears although they are ready and willing to do the same. It is thus prayed that the petitioners may be permitted

to pay the aforesaid outstanding amount by way of installments. A further prayer has been made for directing the respondents to de-seal the premises of taxi stands of the petitioners.

3. Ms. Madhu Dayal, Advocate appears on behalf of the respondents, in pursuance of the advance copy of paper book having already been supplied to her. She has handed over the calculations of the arrears/amount recoverable from each of the petitioners herein, which would read as under:-

Sr. No.	Name of Petitioner	Taxi Stand Location	Name of Allottee	Due Amount Ground Rent+Interest +GST
1.	Sunil Kumar Dhariwal aged 53 years son of Sh. Faqir Chand resident of House No.803, Sector 7-B, Chandigarh Aadhar No.6282 6930 1458 Mobile No.99888-89998	Deluxe Taxi Stand, Sector 19, Chandigarh	Manjeet Singh	Rs.9,62,055/-
2.	Rashpal Singh Walia aged 53 years son of Sh. Dashonda Singh resident of House No.3038 First Floor, Sector 38-C, Chandigarh Aadhar No.2275 2478 5124 Mobile No.98155-10977	Walia Taxi Stand, Sector 15, Chandigarh	Amarjit Singh Walia	Rs.16,06,953/-
3.	Ravinder Sood aged 56 years son of Late Shri Bansi Lal Sood, resident of House No.615, Swastik Vihar, Zirakpur, District SAS Nagar, Mohali (Punjab) Aadhar No. - Mobile No.95308-41308	Sadh Taxi Stand, Sector 35-C, Chandigarh	Charan Singh	Rs.11,51,464/-
4.	Parveen Kumar aged 48 years son of Sh. Jaswant Singh resident of House No.487/1, Sector 45-A, Chandigarh Aadhar No.6774 1694 8594 Mobile No.93564-22808	Lamba Taxi Stand, Sector 33-D, Chandigarh	Kirpal Singh	Rs.8,57,272/-
	Total			Rs.45,77,744/-

3.1 Learned counsel for the respondents further submits that although the petitioners had already been granted indulgence by the concerned authorities by allowing them to pay the amount in six equal installments, however, they failed to do so. Accordingly, it is submitted that the petitioners do not deserve any further indulgence.

4. On the other hand, learned counsel for the petitioners submits that since the taxis in question are the only source of livelihood for the petitioners and they intend to clear their respective outstanding dues; therefore, they may be permitted to do so by way of two installments, out of which, the first installment, i.e. half of the outstanding dues, shall be paid by each of the petitioners herein within a period of two weeks from today and the second installment, i.e. the balance amount (after paying the first installment), shall be paid by them within a period of three months thereafter. It is submitted that the petitioners further undertake that apart from clearing the outstanding due(s), they would continue to make timely payments of their due(s) in future as well.

5. Considering the aforesaid submissions made by learned counsel for the petitioners, it would be in the interest of justice to grant one last opportunity to the petitioners to clear the aforementioned outstanding dues.

6. The petitioners are directed to deposit 50% of the total outstanding dues within a period of two weeks from today, whereupon, the State/competent authority shall de-seal the premises of Taxi Stands in question and hand-over the same to the respective petitioners herein. Further, the petitioners shall pay the balance amount of the outstanding dues on or before 31.10.2024.

6.1 In case the petitioners fail to deposit 50% of their respective outstanding dues, i.e. the first installment, or to make the complete payment

thereafter within the aforesaid period, the respondents shall be at liberty to take over the respective premises of the Taxi Stands.

- 7. Petitioners shall abide by the aforesaid undertaking/statement given by learned counsel for the petitioners on their behalf.
- 8. The present writ petition is disposed of in the aforesaid terms.
- 9. All pending application(s), if any, shall also stand closed.

23.07.2024
Apurva

(HARSH BUNGER)
JUDGE

- 1. Whether speaking/reasoned : Yes/No
- 2. Whether reportable : Yes/No