



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

235(1)

CWP-25549-2022 (O&M)
Date of decision: 22.05.2024

Dhillon Muscular Gym and Fitness Planet ...Petitioner
VERSUS

State of Punjab and Others ...Respondents

235(2)

CWP-10856-2023 (O&M)
Date of decision: 22.05.2024

M/s Guru Nanak Rice and Gen. Mills and Others ...Petitioners
VERSUS

State of Punjab and Others ...Respondents

235(3)

CWP-5499-2023 (O&M)
Date of decision: 22.05.2024

Vimal Alloys Private Limited and Others ...Petitioners
VERSUS

State of Punjab and Others ...Respondents

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present :- Mr. Karan Garg, Advocate for the petitioner.
in CWP-25549-2022.

Ms. Dilpreet Kaur, Advocate for
Mr. Daman Dhir, Advocate for the petitioners
in CWP-10856-2023.

Mr. Anshul Gupta, Advocate for
Mr. Nikhil Chopra, Advocate for the petitioners
in CWP-5499-2023.

Mr. Anurag Chopra, Addl. AG Punjab.

VINOD S. BHARDWAJ, J. (Oral)

1. Since the issues involved in these three petitions are identical,



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hence, the same are being decided by a common order. A brief reference is however made to **CWP-25549-2022** titled as '**Dhillon Muscular Gym and Fitness Planet Vs. State of Punjab and others**'.

2. The petitioner had approached this Court raising a challenge to the recovery notice dated 22.09.2022 issued by respondent No.2-Executive Engineer, Provincial Division PWD B&R, Bathinda.

3. Learned counsel for the petitioner contends that the GYM had been in existence for the benefit of the youth of Punjab and so as to promote health and fitness and to divert their attention from the drug. He submits that the above recovery notice raising a demand was served upon them towards road access charges and that the petitioner-GYM was not liable to pay the same. The demand was impugned to be not sustainable as the petitioner-GYM is in possession of the said property and that there is no such authority vested with the respondent. Reliance was placed on **CWP-22150-2022** titled as '**The Punjab Petroleum Dealers Association and Ors. Vs. State of Punjab and others**'.

4. Learned counsel for the respondent-State submits that the petitioners had placed reliance on the above said CWP-22150-2022 for seeking issuance of notice and for interim orders in terms thereof. It is contended that the said petition has already been disposed of by this Court vide order dated 12.03.2024. He further submits that the contention of the petitioner(s) was noted in the order dated 16.08.2023 that the notification dated 24.01.2019 would not be applicable to the petitioner(s) as the said notification is prospective in nature. It is submitted by the learned counsel



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that the notification in question is not a subject matter of challenge in the present case at all and that only the recovery notice has been challenged.

5. Learned State counsel further contends that the road access fee had only been revised vide the aforesaid notification and the same is already in force since 1995 and that no challenge has been raised to any of the notifications.

6. Taking into consideration the fact that the petitioner(s) had place reliance on **CWP-22150-2022** which had already been decided by this Court vide order dated 12.03.2024, **the present writ petition is liable to be disposed of in terms of the said order.**

7. **Ordered accordingly.**

8. Liberty is however granted to the petitioner(s) to file fresh petition(s), if so advised, raising challenge to the notifications by virtue whereof the respondents have levied the user access fee on them.

9. Needless to mention herein that the writ petitions have been disposed of in view of the consent given by the learned counsel for the petitioner(s), the petitioner however shall not be bound by such consent and shall be at liberty to make a representation before the concerned authorities in terms of the order dated 12.03.2024 passed in **CWP-22150-2022** and that in the event any such representation is being submitted, appropriate decision in terms of the order dated 12.03.2024 shall be taken.

(VINOD S. BHARDWAJ)
JUDGE

22.05.2024*Mangal Singh*

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