



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No.26458 of 2024
Date of Decision: 15.10.2024.

M/s Pankaj Printers
.....Petitioner
Versus
State of Haryana and others
.....Respondents

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

Present: Mr. Lekh Raj Sharma, Advocate
and Mr. Abhishek Sharma, Advocate
for the petitioner.

Mr. Ankur Mittal, Addl. A.G., Haryana with
Mr. Karan Jindal, Advocate for respondent-State.

Mr. Ankur Mittal, Advocate with
Ms. Kushaldeep Kaur, Advocate and
Ms. Saanvi Singla, Advocate for respondent No.3.

VIKRAM AGGARWAL, J.

1. 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, especially in the nature of Certiorari seeking to quash/setting aside of the impugned order dated 12.09.2024 (Annexure P-13) passed by respondent No. 2 along with impugned communication/letter 4344 No. dated 27.09.2024 (Annexure P-14) received on 30.09.2024, whereby the work order dated 15.03.2024 (Annexure P-5) for construction, operation and maintenance of modern direction & signage and welcome gate on design, build, finance, operate & transfer (DBFOT) basis against rights of display advertisement for a period of 20 years in the district of Sirsa

issued in favour of the petitioner has been cancelled in absence of the petitioner while relying upon the enquires which were conducted in violation of the principle of Audi-alteram-partem causing serious prejudice to the petitioner who has already invested huge amount in view of the work order.

AND

It is further prayed that the operation of the impugned order dated 12.09.2024 (Annexure P- 13) and impugned letter no. 4344 dated 27.09.2024 (Annexure P-14) may kindly be stayed, during the pendency of the present writ petition in the interest of justice.

AND/OR

It is further respectfully prayed that this Hon'ble Court may be pleased to direct the official respondents to institute an impartial and independent inquiry into the eligibility of the private respondents as claimed by them in the CWP No. 16511 of 2024 to the extent that their objections were never taken up by the authorities whereas private respondents being defaulters/ineligible never has any locus to object and the complaints filed by them were withdrawn before filing the said writ petition.)”

2. At the outset, learned counsel for the petitioner *inter alia* submits that despite specific directions having been issued by this Court on 18.07.2024 in CWP No. 16511 of 2024 (Annexure P-12), the impugned order dated 12.09.2024 (Annexure P-13), vide which the Work Orders dated 15.03.2024 issued in favour of the petitioner were cancelled, has been passed in gross violation of the principles of natural justice for before passing the said order, the petitioner was not afforded an opportunity of hearing. It has been submitted that no notice was issued to the petitioner for any hearing nor any hearing was granted to them. Learned counsel submits

that under the circumstances, the order is not sustainable. It has also been submitted that though, the action of the respondents in cancelling the Work Orders of the petitioner suffers from many other illegalities, but since it has been passed in violation of the principles of natural justice, the same cannot sustain.

3. Mr. Ankur Mittal, learned Additional Advocate General, Haryana, who is present on advance copy having been served states on instructions that though the cancellation of the Work Orders is fully justified and he vehemently supports and justifies the impugned order on this account, he fairly concedes that for no opportunity of hearing was granted to the petitioner before passing the said order, it cannot sustain. He submits that under the circumstances, the impugned order dated 12.09.2024 (Annexure P-13) communicated vide letter dated 27.09.2024 (Annexure P-14), be deemed to have been withdrawn. He submits that the competent authority shall re-examine the matter and shall pass a fresh speaking order within a period of two weeks from today after affording an opportunity of hearing to all concerned.

4. Learned counsel for the petitioner is in agreement to the course suggested by learned counsel representing the State of Haryana and submits that the petition be disposed of in terms of the statement made by learned Additional Advocate General, Haryana.

5. The writ petition is accordingly disposed of in terms of the statements given by learned counsel representing the parties binding them to the same. The Court is sanguine that the authority concerned shall pass a fresh speaking order in accordance with law after affording due opportunity of hearing to all concerned.

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

(ARUN PALLI)
JUDGE

(VIKRAM AGGARWAL)
JUDGE

October 15, 2024
Rekha

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