

THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No.28186 of 2023
Date of Decision: 09.01.2024

Garja Singh
..... Petitioner

Versus

State of Haryana and others
..... Respondents

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. S. S. Dinarpur, Advocate with
Mr. Aman Godara, Advocate
for the petitioner.

RAJESH BHARDWAJ, J. (ORAL)

Present writ petition has been filed for quashing the impugned order dated 05.01.2023 (Annexure P-15) and order dated 11.10.2023 (Annexure P-17) passed by respondent No.3 being totally illegal, unjust and arbitrary and against the decisions rendered by this Court and against the policy dated 20.08.2016 (Annexure P-20). Further prayer has been made for directing the official respondents No.2 and 3 to order the closure of manufacturing units being run by respondents No.4 to 6 in residential area of village Jaisingpura, Sector 27, Panchkula in view of judgment dated 16.02.2016 (Annexure P-18) passed by the Division Bench of this Court in LPA No.772 of 2015 and in compliance of order dated 09.07.2014 (Annexure P-19) passed by this Court in bunch of writ petitions having lead case i.e. CWP No.11226 of 2013 and to strictly adhere to and in letter and spirit, implement the policy dated

20.07.2016 which has been framed by the State Government of Haryana in view of aforesaid order dated 09.07.2014 passed by this Court and for taking strict legal action against respondents No.2 and 3 including the other officials of Municipal Corporation, Panchkula who are duty bound and responsible for implementing the direction issued by this Court vide its judgment dated 09.07.2014 and consequently for giving effect to the policy dated 20.07.2016 forthwith in its letter and spirit in order to curb the commercial activities i.e. manufacturing units run in the name of 'Raj Welding Works' and 'Jai Maa Welding Works' by respondents No.4 to 6 in residential area of village Jaisingpura, Sector 27, Panchkula.

It has been contended by learned counsel for the petitioner that earlier the petitioner had approached this Court by way of filing CWP No.13574 of 2022, which was disposed of vide order dated 16.08.2022. He submits that thereafter a speaking order was passed on 05.01.2023. He submits that though respondent No.3 vide order dated 11.10.2023 had directed the respondents to file a detailed reply to the notice dated 08.09.2022 within 15 days. However, till date the proceedings initiated have not been concluded. He has submitted that the respondents authorities have to take the decision in accordance with the policy dated 20.07.2016 (Annexure P-20) but no decision has been taken so far.

Notice of motion to the official respondents at this stage.

On asking of the Court, Ms. Upasna Dhawan, AAG, Haryana appears and accepts notice on behalf of respondents No.1 to 3. She has fairly submitted before this Court that the learned Commissioner

has already proceeded against private respondents No.4 to 6. It is evident that they had been directed to submit the reply to notice dated 08.09.2022 by granting them 15 days time but till date the same has not been filed. She submits that the same would be decided expeditiously in accordance with law.

In view of the submissions made by learned State counsel, the present petition is disposed of with a direction to respondent No.3 i.e. the Commissioner, Municipal Corporation, Panchkula to decide the case expeditiously in accordance with law keeping in view the policy dated 20.07.2016 (Annexure P-20) and other relevant laws applicable in this case within a period of three months from today.

(RAJESH BHARDWAJ)
JUDGE

09.01.2024
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Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No