

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Reserved on: 06.08.2024
Pronounced on: 17.01.2025

1. CWP-5986-2019 (O&M)

M/s Capital Investment Service Centre Petitioner

Vs.

The Union Territory, Chandigarh and others Respondents

2. CWP-5988-2019 (O&M)

M/s Charan Dass and Co. Petitioner

Vs.

The Union Territory, Chandigarh and others Respondents

3. CWP-3566-2020 (O&M)

Harkesh Kathuria and others Petitioners

Vs.

The Union Territory, Chandigarh and others Respondents

4. CWP-6022-2019 (O&M)

Zabih Tailors and others Petitioners

Vs.

The Union Territory, Chandigarh and another Respondents

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

Present: Mr. Inderjit Sharma, Advocate,
for the petitioner(s) (in CWP-5986 and 5988-2019).

Mr. Shireesh Gupta, Advocate,
for the petitioner(s) (in CWP-3566-2019).

Mr. Mansur Ali, Advocate, and
Mr. Imran Ali, Advocate,
Ms. Amandeep Kaur, Advocate, and
Mr. Mohammad Sartaj Khan, Advocate,
for the petitioner(s) (in CWP-6022-2019).

Mr. Amit Jhanji, Senior Standing Counsel, with
Mr. Jaivir S. Chandail, Additional Standing counsel,
for the respondent-U.T., Chandigarh.

Mr. Arjun Lakhanpal, Advocate,
for U.T., Chandigarh (in CWP-6022-2019).

ARUN PALLI, J.

Vide this common order and judgment, we dispose of a bunch of four petitions, assailing the show cause notice(s) dated 13.02.2019, issued under Sub-Section (1) of Section 4 of the Public Premises (Eviction of unauthorized occupants) Act, 1971 ('1971 Act'). However, the facts are being derived from CWP No.5986-2019.

At the outset, learned Senior Standing counsel for the Chandigarh Administration submitted that the demised premises (SCO Nos.89-90-91, Sector 17-D, Chandigarh) was resumed on 07.12.1999, owing to multiple building violations/deviations. And, concededly, the said order has since been upheld right up to the Supreme Court. Therefore, as indicated above, the petitioners, being in unauthorized occupation/possession of the subject premises, were served with show cause notice(s), under Section 4(1) of the 1971 Act. And were required to appear before the competent authority on 06.03.2019 to show cause, as to why, an order of eviction be not passed against them. But, they, instead, approached this Court, assailing those notice(s). It is submitted that a Coordinate Bench, while issuing notice of motion, on 17.07.2019, had directed respondent No.3 not to take any action, pursuant to the impugned show cause notice(s). And, the said order is operative to date. Accordingly, it is urged that nearly six years have gone by since issuance of the impugned show cause notice(s) dated 13.2.2019 and owing to the interim order (*ibid*), the matter was not proceeded any further. Therefore, he, as always, fairly submitted that in the given circumstances, the impugned show cause notice(s) be deemed to have been recalled/withdrawn. For, the authorities, if so advised, would issue fresh show cause notice(s) to the petitioners, per the provisions of the 1971 Act, and pass necessary/appropriate orders, in accordance with law.

That being so, learned counsel for the petitioners submitted that

nothing substantive survived in these petitions and the same be disposed of,

in terms of the statement made by learned Senior Standing counsel for the Chandigarh Administration.

In the wake of the position sketched out above, we are not required to delve any further into the matter. Accordingly, the petitions are disposed of, in terms of the statements made by learned counsel for the parties.

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 earlier, the competent authority shall examine the grievances of the petitioners, strictly in accordance with law.

Pending applications, if any, also stand disposed of.

(ARUN PALLI)
JUDGE

(VIKRAM AGGARWAL)
JUDGE

17.01.2025
AK Sharma

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