



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

**CWP No.26200 of 2025 (O&M)
Date of Decision: 15.10.2025**

Ayush Sanrakshan Social Organisation

.....Petitioner.

Versus

State of Punjab and others

.....Respondents.

**CORAM: *HON'BLE MRS. JUSTICE LISA GILL*
 *HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA***

Present:- Ms. Sehej Sandhawalia, Advocate
 for the petitioner.

 Mr. Raghav Garg, AAG, Punjab
 for respondent No.1-State.

 Mr. R.S. Pandher, Advocate
 for respondents No.2 and 3.

LISA GILL, J.(Oral)

CM No.15362-CWP of 2025

Documents Annexures A-1 to A-4 are taken on record subject
to just exceptions.

Application is disposed of accordingly.

CWP No.26200 of 2025

1. Prayer in this writ petition is for setting aside show-cause
 notices dated 26.03.2025, 19.05.2025 and 26.06.2025 (Annexures P-12,
 P-13 and P-17).



2. Learned counsel for petitioner submits that petitioner was awarded a contract for maintaining public and community toilets as per work order dated 27.07.2018 by respondent Municipal Corporation, Patiala. Copy of agreement dated 31.10.2018 as well as amended agreement are attached as Annexures P-2 and P-3. The contract is for a period of 10 years. List of toilets to be maintained were to be provided from time to time and separate work orders would be supplied under terms and conditions of agreement dated 31.10.2018. Said contract/agreement was specifically amended and Clause 25 added thereto on 31.10.2018 itself. It is submitted that petitioner was carrying out the allotted work in a satisfactory manner. Reference is made to performance report dated 10.03.2021 and 12.10.2021. However, now, respondent-Corporation, it is argued, appears to have made up its mind to cancel the contract for reasons best known to it and is, thus, acting in an unjustified and irrational manner. Notice dated 26.03.2025 was issued to petitioner to the effect that two toilet blocks were found closed at 08.00 A.M., cleaning roster was missing and cleanliness was not upto the mark. Petitioner was directed to submit its reply within a period of three days. Show-Cause notice dated 19.05.2025 was issued to the effect that as per report prepared by Sanitary Inspectors, operation of toilets was not conducted properly and seven days were granted for rectification of said defects. Copy of the said report was never provided to petitioner. Detailed response dated 24.05.2025 was submitted by petitioner in this respect. Learned counsel submits that petitioner is regularly making daily videos of all toilet blocks under its operation and



maintenance and uploads the same on the group where concerned officials of M.C, Patiala are members.

3. It is further submitted by learned counsel for petitioner that requisite payments are not being released to petitioner leading to financial difficulties to petitioner. A sum of approximately Rs.50 lakhs is due towards petitioner. Petitioner, it is stated, is being harassed in an unjustified manner by officials and is being coerced into abandoning the contract on account of which representation dated 25.06.2025 was addressed to the Governor, State of Punjab. Respondent immediately issued final show cause notice dated 26.06.2025 to petitioner giving details of alleged discrepancies and claiming petitioner to be in violation of Clause 1, 12, 15 and 23 in terms and conditions of the agreement. No time for rectification of the alleged shortcomings is being given in terms of Clause 13 of terms and conditions of agreement. Moreover, a number of toilets are closed because of inability of respondent to carry out the civil works. Reference is made to communication dated 01.09.2024 addressed by petitioner to respondent-Corporation wherein it is stated by petitioner that foundation and sewerage of above sites itself is in a very critical condition and is weak due to which construction itself may collapse. Petitioner submitted reply dated 30.06.2025 to said show cause notice but no opportunity of hearing is being provided to petitioner who apprehends that respondent-Corporation is hell-bent on terminating the contract. It is, thus, prayed that this writ petition be allowed and show-cause notices dated 26.03.2025, 19.05.2025 and 26.06.2025 be revoked.



4. Learned counsel for respondents No.2 and 3, while referring to status-report filed by way of affidavit dated 20.09.2025 of Assistant Commissioner, Municipal Corporation, Patiala, submits that toilet blocks being maintained by petitioner are in a deplorable and unhygienic condition; essential supplies were found to be missing at the site and maintenance staff has not been compensated for their services. Moreover, petitioner's representatives have been directing the care-takers to collect cash from public as user charges, which is not permissible. Learned counsel for respondents No.2 and 3 further points out that as per amended agreement dated 11.11.2021, a sum of Rs.12,000/- per toilet per month will be paid to petitioner including all consumables and electricity charges, if any. Learned counsel for respondents No.2 and 3 further submits that present writ petition, in any case, is pre-mature and petitioner has rushed to this Court after issuance of show cause notice itself merely to gain time without carrying out necessary rectifications and removing the shortcomings. Dismissal of the writ petition is sought.

5. Learned counsel for petitioner, at this stage, points out that as per Clause-8 of agreement dated 31.10.2018, petitioner was entitled to collect user charges. It is to be noted that as per terms and conditions of work order, in case user charges are not to be taken, petitioner would charge Rs.8,000/- per month per toilet with an increase of 10% after two years. It is the case of respondents that user charges of Rs.12,000/- per month are being paid to the petitioner.

6. We have heard learned counsel for parties and have perused the file with their able assistance.



7. It is a matter of record that respondents No.2 and 3 have issued show cause notices to petitioner in respect of certain shortcomings as are detailed therein. Reply thereto is stated to have been filed by the petitioner. At this preliminary stage, we do not deem it appropriate to enter adjudication in exercise of jurisdiction under Article 226 of the Constitution of India. Pleas and counters thereof which have been raised in respect to shortcomings, if any, present on the ground, their removal or subsistence thereof, are all issues which are not in realm of adjudication of present proceedings. These issues would have to be determined with reference to factual position on the ground.

8. In the given facts and circumstances, we direct respondent-Corporation to take a final decision in the matter in accordance with law only after affording proper opportunity of hearing to petitioner as well as an opportunity to raise all the pleas as have been raised before us along-with any attending documents etc. In case of a decision adverse to petitioner, the same be by way of a speaking order.

9. Writ petition is accordingly disposed of.

10. Pending applications are disposed of accordingly.

(LISA GILL)
JUDGE

(MEENAKSHI I. MEHTA)
JUDGE

October 15, 2025
Yag Dutt

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No