



- 210 (8 cases)
- IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH
- Date of decision: January 13, 2025
- CWP-30349-2022 (O&M)
1.
- Amrinder Singh Kang and others
-Petitioner
- versus
- State of Punjab and others
-Respondents
2.
- CWP-5300-2023 (O&M)
- Dilpreet Singh and others
-Petitioner
- versus
- State of Punjab and others
-Respondents
3.
- CWP-9174-2023 (O&M)
- Inder Deep Singh Dhillon and others
-Petitioner
- versus
- State of Punjab and others
-Respondents
4.
- CWP-12404-2023 (O&M)
- Gurbachan Singh and others
-Petitioner
- versus
- State of Punjab and others
-Respondents
5.
- CWP-19091-2023 (O&M)
- Rajesh Puri and others
-Petitioner
- versus
- Union of India and others
-Respondents
6.
- CWP-899-2024 (O&M)
- Annu Chaudary and others
-Petitioner
- versus
- Union of India and others
-Respondents

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7. CWP-13648-2024 (O&M)
Piyush Kansal and anotherPetitioner
versus
State of Punjab and othersRespondents

8. CWP-8387-2024 (O&M)
Harpreet Singh GillPetitioner
versus
Union of India and othersRespondents

**CORAM: HON'BLE MR. JUSTICE SHEEL NAGU, CHIEF JUSTICE
HON'BLE MR. JUSTICE SUDHIR SINGH**

Present:- Mr. Ashish Aggarwal, Senior Advocate with
Mr. Saket Bhandari, Advocate,
Mr. Anmol Rattan S. Dhillon, Advocate,
Mr. Vishal Pundir, Advocate and
Ms. Aashna Aggarwal, Advocate for the petitioners
in CWP-30349-2022 and CWP-12404 of 2023.

Ms. G.K. Mann, Senior Advocate with
Ms. Simrat Kaur, Advocate and
Mr. Gursher Singh, Advocate for the petitioner
in CWP-8387-2024.

Mr. Prateek Sodhi, Advocate for the petitioner
in CWP-13648-2024.

Ms. Bhagyashri, Advocate for the petitioners
in CWP-5300-2023.

Mr. Vikram Rathore, Advocate for the petitioners
in CWP-899-2024.

Mr. Vineet Sehgal, Advocate for the petitioners
in CWP-19091-2023.

Mr. Vidul Kapoor, Advocate, for the petitioners
in CWP-9174-2023.

Mr. V.G. Jauhar, Advocate, for applicant/GMADA
in CM No.3624-2024 in CWP-5300-2023.

Mr. Harsh Kumar, Respondent No.4 in person
(through video-conferencing).

Mr. Satya Pal Jain, Addl. Solicitor General of India with
Ms. Divya Sharma, Senior Panel Counsel and
Mr. Ashish Rawal, Senior Panel Counsel
for the respondent – UOI.

Mr. Saurabh Kapoor, Additional AG, Punjab.

SHEEL NAGU, CHIEF JUSTICE (ORAL)

Vide this common order, above-mentioned eight petitions are being disposed of since facts are analogues and issues raised therein are common. For brevity, recitals are taken from CWP-30349-2022.

2. The present petition has been filed, *inter alia*, seeking following relief:-

“a) *CIVIL WRIT PETITION under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of CERTIORARI quashing (a) order dated 1.12.2022 (Annexure P/8) passed by Respondent No.2, wrongfully, autocratically and arbitrarily, cancelling the Eco-Tourism Project approval of the Petitioners given by Sh. Harsh Kumar, on the ground that he allegedly was wrongfully posing as Chief Conservator of Forest (Hills) and did not possess the authority for the same. Further the said impugned order was passed without affording the petitioners an opportunity of hearing in violation of the principles of natural justice, the basic concept of all Indian Jurisprudence and in teeth of the provisions laid down in Article 14 of the Indian Constitution; (b) order dated 02.12.2022 (Annexure P/9) passed by Respondent No.3, reiterating the cancellation of Eco-Tourism Project Approvals in the same fashion as the afore-mentioned order; (c) Public Notice dated 8.12.2022 (Annexure P/11) vide which the permissions granted for Eco-Tourism Projects were not only cancelled but with a further direction that legal action will be taken against anyone who has acted/acts in pursuance of permissions granted by Respondent No.4, Mr. Harsh Kumar, being illegal, arbitrary, without any authority, and opposed to principles of natural justice, equity and fair play.*”

3. Learned State counsel, at the very outset, informs that the Eco Development Committee (for short ‘EDC’) which is the competent authority

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for granting permission for Eco-Tourism Projects is ready and willing to re-consider the case of the petitioner(s).

4. Learned State counsel also does not dispute that the real reason of respondent No.4 being not competent while issuing permissions in favour of the petitioners, is not reflected in the impugned order(s) dated 01.12.2022 (Annexure P-8), dated 02.12.2022 (Annexure P-9) and Public Notice dated 08.12.2022 (Annexure P-11).

5. It is trite law that any order impugned in a Court of law is to be tested on the reasons contained therein. Reasons cannot be supplemented by way of affidavit(s) subsequently. Reference in this regard, may be had to Apex Court judgment in **Mohinder Singh Gill and another versus The Chief Election Commissioner, New Delhi and others, (1978) 1 Supreme Court Cases 405.**

6. In view of the fair submission made by learned State counsel, this Court is inclined to dispose of all the aforesaid petitions in the following terms:-

- (i) The impugned orders passed by respondents No.2 and 3, and Public Notice, are quashed, only in respect of the petitioners herein, solely on the ground for being non-speaking alone;
- (ii) The State of Punjab and the competent authority i.e., EDC is directed to, now, re-consider the case of the petitioners without being influenced by the petitioners having approached this Court and also by this Court having quashed the impugned order(s);
- (iii) The competent authority is directed to take its independent view, in accordance with law, and pass appropriate speaking order(s) within a period of 08 weeks, after affording due and sufficient opportunities to the petitioner(s) to file reply(ies);

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(iv) Needless to emphasise that the competent authority is free to take a decision either way, but in accordance with law.

7. Pending application(s), if any, shall also stand disposed of.

(SHEEL NAGU)
CHIEF JUSTICE

(SUDHIR SINGH)
JUDGE

January 13, 2025

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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No