

(2020) 01 P&H CK 0202

In the Punjab And Haryana At Chandigarh

Case No : Civil Writ Petition No. 7163 Of 2019 (O&M)

Abhishek Dhanda

APPELLANT

Vs

Municipal Corporation, Chandigarh And Another

RESPONDENT

Date of Decision : 28-01-2020

Acts Referred:

Citation : (2020) 01 P&H CK 0202

Hon'ble Judges : Sanjay Kumar, J

Bench : Single Bench

Advocate : Jastej Singh, Deepali Puri

Final Decision : Allowed

Judgement

Sanjay Kumar, J

CM-7615-CWP-2019

Application is ordered. Replication filed on behalf of the petitioner is taken on record.

CWP-7163-2019

The petitioner was allotted Kiosk No.4 at Food Street, Sector 14, Chandigarh, in the year 2016. His license was thereafter extended from year to year upon collection of license fee by the Municipal Corporation, Chandigarh.

The grievance of the petitioner presently is that the Additional Commissioner-I, Municipal Corporation, Chandigarh, informed him, by letter dated 12.03.2019 (Annexure P-4), that the earlier decision taken with regard to extension of the tenure of his license stood withdrawn and directed him to handover the vacant physical possession of his kiosk to the designated authority.

Be it noted that the petitioner's license was again extended on 15.02.2019 by the Municipal Corporation, Chandigarh, for a period of two years, i.e., uptill 28.02.2021.

Thereafter, by order dated 22.07.2019 passed in this writ petition, this Court stayed the proposed e-auction of the kiosk allotted to the petitioner.

The case of the petitioner, all along, was that he was not put on notice or afforded an opportunity of hearing before withdrawal of the earlier decision taken by the Municipal Corporation, which has resulted in extension of his license period upto the year 2021. Though the Municipal Corporation, Chandigarh, filed a written statement, this aspect was not controverted. Ms. Deepali Puri, learned counsel for the respondents, would fairly state that the petitioner was not put on notice or afforded an opportunity of hearing before issuance of the impugned letter dated 12.03.2019 (Annexure P-4).

When the Municipal Corporation, Chandigarh, in its wisdom, had decided to extend the tenure of the petitioner's license and intimated him to that effect, VIDE its letter dated 15.02.2019, no decision could have been taken contrary thereto without putting the petitioner on notice. The petitioner clearly suffered adverse civil consequences by the later decision of the Municipal Corporation, which was embodied in the impugned letter dated 12.03.2019. The action of the Municipal Corporation, Chandigarh, therefore suffers from patent violation of the principles of natural justice.

The writ petition is accordingly allowed setting aside the impugned letter dated 12.03.2019 (Annexure P-4) on this short ground. In the event the Municipal Corporation, Chandigarh, proposes to take any action in relation to the kiosk allotted to the petitioner for which the license period has been extended upto 28.02.2021, it shall do so by putting the petitioner on notice and affording him a reasonable opportunity of hearing. No order as to costs.