

(2011) 10 P&H CK 0003

In the Punjab And Haryana At Chandigarh

Case No : Civil Writ Petition No. 13419 of 2011 (O and M)

Gurpreet Singh and Company

APPELLANT

Vs

State of Punjab

RESPONDENT

Date of Decision : 04-10-2011

Acts Referred:

Punjab Control of Bricks Supplies, Price and Distribution. Control Order, 1998 — Rule 5

Citation : (2012) 1 RCR(Civil) 624

Hon'ble Judges : K. Kannan, J

Bench : Single Bench

Advocate : Gurdial Singh Jaswal, for the Appellant; S.S. Sahu, Assistant Advocate General, Punjab, for the Respondent

Judgement

K. Kannan, J.—Written statement filed in Court on behalf of respondents 1 and 2, is taken on record. The petitioner challenges the order of rejection of application for renewal of brick-kiln licence. The petitioner is the lessee of the property in respect of which he has obtained a licence from the 2nd respondent. The only ground urged by the petitioner is that an application for renewal of a licence could be refused under Rule 5 of the Punjab Control of Bricks Supplies Price and Distribution Control Order of 1998 only on two conditions, namely, (i) if it is found that the statement given at the time of obtaining a licence is found to be incorrect at a later stage; and (ii) if the licensee transfers his licence without previous permission in writing. The order of rejection, according to the petitioner, does not spell out the grounds which are permissible under Rule 5.

2. The impugned order is laconic in that it merely states that the petitioner has no ownership or proper lease deed or any direction from Court to the department and, therefore, the licence cannot be granted. I find this objection to be wholly untenable. The counsel for the State points out to me that the lease deed had been originally created in favour of the petitioner from one Surmukh Singh. He is now not alive and his legal representative is one Baldeep Singh. The petitioner has not produced any document from Baldeep Singh allowing for continuance of

lease. To a query at whose objection the issue of ownership is raised, while rejecting the plea for renewal, the learned counsel for the State contends that one Harpremjit Singh Bahia acting on behalf of Baldeep Singh has raised an objection with reference to the alleged lease hold rights of the petitioner. It is borne from the records that the petitioner has himself filed a civil suit against the said Harpremjit Singh Bahia in case No. 169 of 2010 before the Civil Judge (Senior Division), Ropar and the Civil Court granted an injunction against him for in any way interfering with his possession. There is no reason for the State to join issues on title to property and if only there is any restriction through any order of Court preventing the petitioner from enjoying the property at the instance of Harpremjit Singh, the State could justify its action. Of refusal to renew the licence. There is no reason to deny a renewal when there is even an interim order for injunction against the person at whose instance the State claims to have acted while rejecting the petition.

3. The impugned notice is quashed and the respondent is mandated through this order to issue the renewal of licence in accordance with law. The writ petition is disposed of as above.