

(2006) 08 P&H CK 0241

In the Punjab And Haryana At Chandigarh

Case No : C.M. No. 13084 of 2006 and C.W.P No. 8673 of 2006

Kaytee and Company

APPELLANT

Vs

State of Punjab and Others

RESPONDENT

Date of Decision : 08-08-2006

Acts Referred:

Citation : (2006) 08 P&H CK 0241

Hon'ble Judges : Viney Mittal, J;H.S. Bhalla, J

Bench : Division Bench

Advocate : Hitesh Kaplish, for the Appellant; Sanjay Kumar, for respondent Nos. 3 and 4 and Sukhdip Singh Brar, A.A.G., for the Respondent

Judgement

Viney Mittal, J.—The petitioner has challenged the order dated May 24, 2006 (Annexure P-4) whereby the Municipal Council, Phagwara-respondent No. 3 has ordered the cancellation of the contract for lifting of the grabage which had been earlier awarded in favour of the petitioner.

2. Written statement on behalf of respondents No. 3 & 4 has been filed in the Court today. The same is taken on record. A copy thereof has been supplied to the counsel for the petitioner.

3. The preliminary grievance raised by the petitioner-Company is that the order of cancellation dated May 24, 2006 Annexure P-4 has been passed by the Municipal Council without affording any opportunity of hearing to the petitioner-Company and without serving any show-cause notice upon it.

4. The aforesaid fact has not been denied by the respondents that the abovesaid action has been taken by the Municipal Council without ever affording any opportunity of hearing to the petitioner.

5. In view of the aforesaid conceded position, we are satisfied that the order Annexure P-4 suffers from violation of principles of natural justice and as such cannot be legally sustained.

6. Consequently, without commenting upon the various pleas raised by the respondents in the written statement, we quash the order dated May 24, 2006 Annexure P-4. However, Municipal Council, Phagwara-respondent No. 3 would be at liberty to pass a fresh order, if so advised after affording an opportunity of hearing to the petitioner and also affording an opportunity of hearing to any other person who may be interested party in the matter. The present petition is disposed of accordingly.

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7. In view of the disposal of the writ petition, application filed by the applicants for impleadment as respondents, has been rendered infructuous and is disposed of as such.