

(2018) 11 P&H CK 0003
In the Punjab And Haryana At Chandigarh
Case No : Civil Writ Petition No.28192 of 2018

Keshav Kumar Bansal and others

APPELLANT

Vs

State of Punjab and others

RESPONDENT

Date of Decision : 02-11-2018

Acts Referred:

Constitution of India, 1950 — Article 14, 16, 21, 226

Citation : (2018) 11 P&H CK 0003

Hon'ble Judges : Krishna Murari, CJ;Arun Palli, J

Bench : Division Bench

Advocate : Sanjiv Gupta, Rajnish K. Gupta, Monica Chhibber Sharma

Final Decision : Dismissed

Judgement

Krishna Murari, CJ.

By means of this petition filed under Article 226 of the Constitution of India, the petitioners have prayed for the following reliefs:-

I) Whether the impugned order dated 26.10.2018 is passed on surmises and conjectures?

II) Whether the Ld. respondent No.2 is empowered to take unilateral decision as to whether the licenses are required to be issued to the traders regarding firecrackers or not?

III) Whether the inaction of respondent No.2 in not inviting the applications for issuance of temporary licence for storage and sale of firecrackers in the vicinity of Patiala is violative of Articles 14, 16 and 21 of the Constitution of India?

IV) Whether the respondents are also guilty of non-complying the directions issued by this Honâ??ble Court vide order dated 17.10.2018?

V) Whether the inaction of the respondents is causing loss to the State exchequer and increasing the inflow of illegal firecrackers in the vicinity of

Patiala?

VI) Whether grave and manifest injustice has been caused to the rights of the petitioners?

Learned counsel appearing for the State of Punjab has produced before us an order dated 1.11.2018 passed by the Deputy Commissioner-cum-

District Magistrate, Patiala. The order impugned in this petition, dated 26.10.2018, stands superseded and a public notice/publication for calling for

applications for issuance of one temporary licence for sale of firecrackers has been issued. It may be apposite to extract the relevant paragraph of the

said order and the same reads, thus:-

“6. In this regard, an order was passed by the undersigned on 26.10.2018 and circulated under letter No. 183-93-PLA dated 26.10.2018. In view of

the observations under Para 5 above, the said order dated 26.10.2018 stands superseded by the instant order, and a Public Notice/Publication for

calling for applications for issuance of 1 (one) temporary license for sale of firecrackers within the territorial limits of District Patiala is hereby issued

till further orders of Honâble Court. The applications for the license shall be submitted up to 4 PM on 02nd November, 2018, in the Room No. 128,

A-Block, Mini Secretariat (District Administrative Complex), Patiala. The draw of lots will take place in Room No. 109, A-Block, Mini Secretariat

(District Administrative Complex), Patiala, at 5:30 PM on 02nd November, 2018.”

The order passed is in consonance with our order dated

17.10.2018. A copy of the order produced before us is taken on record as Mark-A.

In the wake of the above, the petition has lost its efficacy and accordingly stands dismissed as infructuous.