



**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CWP-18571-2010(O&M)
Date of Decision : 30.04.2025**

BHIM SAIN AND OTHERS

.....Petitioners

VERSUS

**STATE OF HARYANA THR. ITS PRINCIPAL SECRETARY-CUM-
FINANCIAL COMMISSIONER AND OTHERS**

.....Respondents

2.

CWP-20514-2010(O&M)

VIKAS NAGAR NAGRIK SABHA (REGD.), BHIWANI

.....Petitioner

VERSUS

**STATE OF HARYANA THR. FINANCIAL COMMISSIONER-
CUM-PRINCIPAL SECRETARY AND OTHERS**

.....Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Rajinder Goyal, Advocate,
for the petitioners.

Mr. Pankaj Mulwani, DAG, Haryana

Mr. Anil Chawla, Advocate
for respondents No. 2 and 5 (in CWP-18571-2010).

Mr. Raman B. Garg, Advocate and
Mr. Mayank Garg, Advocate
for respondent No.6 in both cases.

Mr. Lokendra Singh, Advocate
for applicant in CM-11295-CWP-2017
in CWP-20514-2010 for respondent No.7
in CWP-18571-2010.



KULDEEP TIWARI, J.(Oral)

CM-11295-CWP-2017 in CWP-20514-2010

This is an application under Order 9 Rule 9 of CPC read with Section 151 CPC for restoration of the civil writ petition, which was dismissed for non-prosecution on 27.07.2017.

For the reasons given in the application, the same is allowed and the order dated 27.07.2017, is hereby re-called, and the *lis* is ordered to be restored at its original number.

Main Cases

1. Both these writ petitions are amenable for being decided through a common verdict, on account of theirs encompassing a common issue. For the sake of brevity, only the prayer embodied in CWP-18571-2010 is being extracted hereinafter.

2. The petitioners have approached this Court with a prayer to set aside the order dated 25.08.2010 (Annexure P-7), whereby, the respondent No.3- Deputy Commissioner, Bhiwani, has passed directions for reconstruction of boundary walls towards the 60 ft. Vikas Nagar Road. Moreover, the respondent No.4- Improvement Trust, Bhiwani, has also been directed to stop the loading and unloading of goods by shopkeepers on the Vikas Nagar Road, and, to make arrangement for restricting the entry of transport vehicles used for carrying fruits and vegetables on the Vikas Nagar Road. Not only this, the respondent No.5- Market Committee, Bhiwani, has also been directed to alter the gates on



the 60 ft. Vikas Nagar Road in wicket gates, which have already been approved in building plan.

3. On one side, there are the petitioners/licensee traders, who are running their business in the New Sabzi Mandi, Bhiwani, and, on the other side, there are the inhabitants of Vikas Nagar represented by their registered Society (respondent No.7 in CWP-18571-2010).

4. The petitioners/traders have raised grievance only with regard to the directions passed by the Deputy Commissioner for altering the gates on the 60 ft. Vikas Nagar Road in wicket gates, inasmuch as, thereby, it would cause absolute restriction upon them to bring their commodities inside the notified market yard.

5. On the other hand, the learned counsel for the Vikas Nagar Nagrik Sabha (Regd.) (respondent No.7 in CWP-18571-2010) has submitted that, the traders are creating nuisance and they not only transport goods via Vikas Nagar Road, but, they also do the loading and unloading thereof within the society premises. Therefore, the impugned order has rightly been passed by the Deputy Commissioner concerned.

6. These writ petitions have been pending before this Court since 2010, and, much water has flown since then. Moreover, during the course of arguments, all the parties to the *lis* are ad idem that, now there are lot of changes in the circumstances at ground level, therefore, the orders dated 25.08.2010 and 28.09.2010, as passed respectively by the Deputy Commissioner and by the Market Committee, and, which are



enclosed respectively as Annexures P-7 and P-9 in CWP-18571-2010, require consideration.

7. Learned counsel for the petitioners, and private respondents, submit that they are satisfied in case a mandamus is passed upon Deputy Commissioner concerned, to pass a fresh order after giving due opportunity of hearing to the parties concerned.

8. In view of the consensus, order dated 25.08.2010 (Annexure P-7), as passed by respondent No.3-Deputy Commissioner, Bhiwani, and order dated 28.09.2010 (Annexure P-9), as passed by respondent No.5-Market Committee, Bhiwani through its Executive Officer-cum-Secretary, are **set aside**, and a *mandamus* is passed upon the Deputy Commissioner concerned, to reconsider the entire issue on administrative side, after giving due opportunity of hearing to the petitioners as well as to private respondent No.7, and to pass a fresh order after considering the ground realities.

9. However, the petitioners and respondent No.7, are at liberty to file their representations before the Deputy Commissioner concerned, in case grievance still survives, and if any, such representation is filed within a period of 30 days from passing of this order, before the Deputy Commissioner concerned, the same shall be decided in accordance with law, within a period of one month thereafter, after giving due opportunity of hearing to the petitioners as well as to private respondent No.7, and a fresh order be passed thereon.



10. Consequently, the instant petitions are, **disposed of** accordingly.

11. All pending application(s), if any, stand **disposed of** accordingly.

12. A photocopy of this order be placed on the file of the connected case.

April 30, 2025
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(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned. : Yes/No
Whether Reportable. : Yes/No