

2025:PHHC:046502



146

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

CWP-9231-2025

Date of Decision: 02.04.2025

Komalpreet Kaur and another

..... Petitioners

Versus

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present: Mr.Vipin Mahajan, Advocate
for the petitioners.

Mr. Sartaj Singh Gill, Senior DAG, Punjab.

HARSH BUNGER J. (ORAL)

Prayer in the present writ petition is *inter alia* for quashing the Show Cause Notice dated 17.03.2025 (Annexure P-5) issued to petitioner No. 1, whereby only two days' time has been granted to the petitioners to respond.

1.1 A further prayer has been made for issuance of an appropriate direction to the respondents to afford sufficient opportunity/time to the petitioners to respond to the said Show Cause Notice dated 17.03.2025 (Annexure P-5) so as to enable the petitioners to avail their legal remedies.

2. Learned counsel for the petitioners submits that petitioner No.2 – Gagandeep is involved in six cases under the Narcotic Drugs and Psychotropic Substances Act (for short 'the N.D.P.S. Act') and on that account, impugned Show Cause Notice dated 17.03.2025 (Annexure P-5)

has been issued to the petitioners.

3. I have gone through the impugned Show Cause Notice dated 17.03.2025 (Annexure P-5), the relevant extract of which reads as under:-

“To

Smt. Komalpreet Kaur wife of Gagandeep

s/o Sh. Ashok Kumar, r/o Near Akash Telecom,

Main Gali, Gandhi Nagar Camp, Batala.

No. M.C.B./859

Dated: 17.03.2025

Sub.: Show Cause Notice.

Ref: In continuation with Building Branch notice No.58 dated 17.03.2025, this office letter No.MCB/782 dated 07.03.2025 and this office letter No.MCB/840 dated 13.03.2025.

With reference to subject mentioned above, this department issued a letter to Gagan Kumar son of Sh. Ashok Kumar informing him that he has raised a building on the afore mentioned address and therefore, he was asked to produce copy of map in this office. With regard to the same, you appeared in this office and informed that this property is not in the name of Gagan Kumar son of Sh. Ashok Kumar but in the name of Smt. Komalpreet Kaur wife of Gagandeep son of Sh. Ashok Kumar. As such, by issuing this letter, you are asked to produce site map with regard to above said construction, if any, before the department. Further, in case any NOC has been obtained, the same be also produced in the office of Municipal Corporation, Batala latest by 19.03.2025 (Wednesday) by 5:00 pm. In the event of non production of the document, legal action shall be taken against you under the provisions of Municipal Corporation Act (1976).”

4. A perusal of Show Cause Notice dated 17.03.2025 (Annexure P-5) would show that earlier a notice dated 07.03.2025 (Annexure P-3) was issued by the Municipal Corporation, Batala asking for sanctioned building plan and ownership documents of the property, which is now stated to have been purchased by the petitioner No. 1 – Komalpreet

vide Sale Deed dated 29.11.2019 (Annexure P-1). There is no indication that Show Cause Notice dated 17.03.2025 (Annexure P-5) has been issued for involvement of petitioner No. 2 – Gagandeep in the N.D.P.S. cases.

5. Faced with this situation, learned counsel for the petitioners submits that the petitioners be permitted to withdraw the instant writ petition, however, they be afforded 15 days' time to respond to Show Cause Notice dated 17.03.2025 (Annexure P-5) and also to enable them to avail their legal remedies.

6. Learned State counsel does not raise any serious objection to the aforesaid course of action being adopted by the petitioners.

7. Keeping in view the aforesaid submissions made by learned counsel for the respective parties, the present writ petition is dismissed as withdrawn; however, petitioners are afforded 15 days' time from today to respond to Show Cause Notice dated 17.03.2025 (Annexure P-5) and also to enable the petitioners to avail their legal remedies, in accordance with law.

8. It is made clear that in case the petitioners fail to respond to the Show Cause Notice dated 17.03.2025 (Annexure P-5) and/or to avail their legal remedies, the authorities may proceed further in pursuance to the respond to the aforesaid Show Cause Notice dated 17.03.2025 (Annexure P-5), in accordance with law

9. All pending application(s), if any, shall also stand closed.

02.04.2025
Apurva

(HARSH BUNGER)
JUDGE

1. Whether speaking/reasoned : Yes/No

2. Whether reportable : Yes/No