

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 15821 of 2015

Date of Decision: 3.8.2015

Parlad Rai

....Petitioner.

Versus

State of Punjab and others

...Respondents.

**CORAM:- HON'BLE MR. JUSTICE AJAY KUMAR MITTAL.
HON'BLE MR. JUSTICE SHEKHER DHAWAN.**

PRESENT: Mr. Harmandeep Singh Saini, Advocate for the petitioner.

AJAY KUMAR MITTAL, J.

1. The petitioner through the instant petition filed under Articles 226/227 of the Constitution of India, has prayed for issuance of a writ in the nature of mandamus directing the respondents to provide basic amenities like roads, water supply, street lighting, parking, drainage, sewage, cattle sheds, public lavatories, bathrooms etc. in New Grain Market, Kotkapura.

2. The petitioner along with others purchased booths/plots in auction in New Grain Market, Kotkapura. At the time of auction, the authorities assured the purchasers that all basic amenities would be provided to them in order to develop the New Grain Market. The petitioner made the complete amount along with interest to the State and wanted to construct the said plot to start his business. However, till date no infrastructure has been developed at the New Grain Market,

Kotkapura. The petitioner and others made various representations to the State authorities, but to no effect. A budget of 16 crores had been passed by the Market Committee, Kotkapura as per the news item dated 2.3.2012 (Annexure P-1). The Sub Divisional Magistrate, Kotkapura sent a letter dated 6.6.2012 (Annexure P-2) to respondent No.4 for the development of infrastructure and to provide basic amenities to the purchaser as promised by the State government at the time of auction. Respondent No.2 also got conducted another open auction of the shops/plots in June, 2014 at New Grain Market, Kotkapura. The petitioner and others as well as new purchasers were assured that the infrastructure development would begin soon and proper basic amenities shall be provided. Shri Udham Singh, Ex. Municipal Councillor made a representation dated 2.4.2013 (Annexure P-3) to the Tehsildar, Kotkapura for compensation for the loss of money to the booth owners. A letter dated 25.6.2014 (Annexure P-4) was issued by respondent No.4 that the development work would be started within three months as decided by the Chairman, Punjab Mandi Board on 23.6.2014. Similar letter dated 4.9.2014 (Annexure P-5) was issued by respondent No.4 to respondent No.2. Thereafter, the petitioner served a legal notice dated 23.2.2015 (Annexure P-6) upon the Secretary, Punjab Mandi Board, Punjab Mandi Bhawan, Sector 65-A, SAS Nagar, with copies to the respondents for providing basic amenities in New Grain Market, Kotkapura, but no response has been received till date. Hence, the present writ petition.

3. Learned counsel for the petitioner submitted that for the relief claimed in the writ petition, the petitioner has sent a legal notice dated 23.2.2015 (Annexure P-6) to the Secretary, Punjab Mandi Board,

Punjab Mandi Bhawan, Sector 65-A, SAS Nagar, with copies to the respondents, but no action has so far been taken thereon.

4. After hearing learned counsel for the petitioner, perusing the present petition and without expressing any opinion on the merits of the case, we dispose of the present petition by directing respondent No.2 to take a decision on the legal notice dated 23.2.2015 (Annexure P-6), in accordance with law by passing a speaking order and after affording an opportunity of hearing to the petitioner within a period of three months from the date of receipt of certified copy of the order.

(AJAY KUMAR MITTAL)
JUDGE

August 3, 2015
gbs

(SHEKHER DHAWAN)
JUDGE