

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP No. 14796 of 2016

Date of Decision: 27.7.2016

Davinder Singh and another

....Petitioners.

Versus

State of Punjab and others

...Respondents.

**CORAM:- HON'BLE MR. JUSTICE AJAY KUMAR MITTAL.
HON'BLE MR. JUSTICE RAMENDRA JAIN.**

PRESENT: Mr. Deepak Sabherwal, Advocate for the petitioners.

AJAY KUMAR MITTAL, J.

1. The petitioners through the instant petition filed under Articles 226/227 of the Constitution of India, have prayed for issuance of a writ in the nature of mandamus directing respondents No.2 and 3 for taking action against respondent No.4 for raising illegal and authorized construction for running a school in a residential area by converting his residential house into a school. Further, prayer has been made to direct respondents No.2 and 3 to stop and prohibit the running of the school in the residential locality.

2. In the year 2013, respondent No.4 started illegal construction and renovation in his house bearing No. 306, Model Town, Ludhiana for opening a school. The petitioners along with other people in the locality approached respondent No.4 to stop the construction and to drop the idea of opening a school in the residential premises. The petitioners also made a complaint in this regard to respondent No.2 and 3, but to no effect.

Thereafter, the petitioners filed CWP No. 17097 of 2013. As there was no violation as the school had not started at that point of time, the said writ petition was dismissed as withdrawn by this Court vide order dated 1.10.2013 (Annexure P-1) with liberty to approach this Court again in case respondent No.4 opens the play way/pre-nursery school/creche in future by converting his residential house. However, respondent No.4 had opened the school by the name of Steady Steps Themes Gabriel International (respondent No.5). The petitioners moved representations dated 7.5.2016 (Annexure P-2) and dated 10.6.2016 (Annexure P-3) to respondents No.1 to 3 for stoppage of unauthorized opening of school at House No. 306, Model Town, Ludhiana, but no response has been received till date. The school had commenced its operation as is discernible from a perusal of advertisement for registration (Annexure P-4) and newspaper article (Annexure P-5). Even, the webshot, Annexure P-6 shows that the school had been opened in a residential premises. The photographs (Annexure P-7 Colly) would show that the road is very narrow and even a moderate number of cars would be enough to create a major road block or traffic congestion adding to the woes of the residents already facing parking problem. The residents of the locality have authorized the petitioners vide letter dated 12.7.2016 (Annexure P-8) to take up the matter on behalf of the locality. Hence, the present writ petition.

3. Learned counsel for the petitioners submitted that for the relief claimed in the writ petition, the petitioners have sent the representations dated 7.5.2016 (Annexure P-2) and dated 10.6.2016 (Annexure P-3) to respondents No.1 to 3, but no action has so far been taken thereon.

4. After hearing learned counsel for the petitioners, 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 representations dated 7.5.2016 (Annexure P-2) and dated 10.6.2016 (Annexure P-3), in accordance with law by passing a speaking order and after affording an opportunity of hearing to the petitioners and respondents No.4 and 5 within a period of one month from the date of receipt of certified copy of the order.

(AJAY KUMAR MITTAL)
JUDGE

July 27, 2016
gbs

(RAMENDRA JAIN)
JUDGE

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No