

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

**Civil Writ Petition No. 20489 of 2016
Date of Decision: 30.9.2016**

Anil Dhull and others

.....Petitioners

Vs.

State of Haryana and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present : Mr. Akshay Kumar Jindal, Advocate
for the petitioner.

RAMESHWAR SINGH MALIK J. (ORAL)

Feeling aggrieved against the alleged inaction on the part of respondent authorities, the petitioners have approached this Court, by way of instant writ petition under Article 226/227 of the Constitution of India, seeking a writ in the nature of Mandamus.

Heard learned counsel for the petitioners.

Although the petitioners may not have any locus standi to file and maintain the present writ petition, yet owing to the peculiar fact situation of the present case and keeping in view the larger public interest, including the ecology of the residential area of Jyoti Nagar, District Kurukshetra, this Court is of the view that appropriate directions deserve to be issued to the Deputy Commissioner, Kurukshetra-respondent No.3, to ensure that Town Planning Scheme No.5 is implemented strictly.

Learned counsel for the petitioners submits that when the genuine grievance of the petitioners was not being redressed by the respondent authorities, they finally approached the Deputy Commissioner, Kurukshetar-respondent No.3 by way of self contained representation dated 6.9.2016 (Annexure P-8), but the same is also pending decision. He further submits that

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the petitioners will be satisfied in case the Deputy Commissioner, Kurukshetar-respondent No.3 is directed to consider and decide their representation, within a reasonable time.

Having heard the learned counsel for the petitioners and without expressing any opinion on the merits of the case, lest it should prejudice the rights of either of the parties, the Deputy Commissioner, Kurukshetar-respondent No.3 is directed to look into the matter, consider the grievance of the petitioners, raised vide their representation dated 6.9.2016 (Annexure P-8), which prima facie seems to be genuine and decide the same, at an early date by passing an appropriate order thereon, strictly in accordance with law, but in any case within a period of six weeks from the date of receipt of a certified copy of this order.

The Secretary, Municipal Council, Thanesar-respondent No.2 is also directed to ensure that Town Planning Scheme No.5 is not violated in any manner, so as to maintain the ecology in the residential area, i.e. Jyoti Nagar, Kurukshetra.

The Deputy Commissioner, Kurukshetar-respondent No.3 shall also ensure that relevant provisions of law, including Section 203 of the Haryana Municipal Act, 1973 as well as Town Planning Scheme No.5, are strictly complied with.

With the abovesaid observations made and directions issued, present petition stands disposed of.

(RAMESHWAR SINGH MALIK)
JUDGE

30.9.2016
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Whether speaking/reasoned Yes/No
Whether reportable: Yes/No

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