

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP No. 23942 of 2016

Date of Decision: 21.11.2016

Ekta Vihar Welfare Society, Sangrur

....Petitioner.

Versus

State of Punjab and others

...Respondents.

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

PRESENT: Mr. Vijay Sharma, Advocate for the petitioner.

AJAY KUMAR MITTAL, J.

1. The petitioner has approached this Court by way of instant petition filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of mandamus directing the respondents to close the illegal entry points in Ekta Vihar in the revenue estate of village Mangwal, Tehsil and District Sangrur which are being used as thoroughfare by the adjoining colony, i.e. New Ekta Vihar and to complete the boundary wall as per the approved layout plan, Annexure P-1 or to decide the representation dated 13.6.2016 (Annexure P-9) moved by the petitioner.

2. Respondent No.6 developed a approved residential colony, namely, Ekta Vihar in the revenue estate of village Mangwal, Tehsil and District Sangrur measuring 9.81 acre as per layout plan (Annexure P-1) bearing drawing No. SEV-01 dated 1.5.2006. The said approval was granted by the District Town Planner, Sangrur vide licence dated 10.7.2006

(Annexure P-2). There is one gate in the colony shown in the layout plan opening towards link road opened by promoter of Ekta Vihar near plot Nos. 64-65. The said gate was locked by the residents of Ekta Vihar on 19.7.2015 due to thefts and threat of anti social elements. On 30.7.2015 at about 8.30 PM, approximately 10 persons forcibly entered Ekta Vihar and threatened to break the gates of Ekta Vihar. The residents of Ekta Vihar made a complaint dated 3.8.2015 (Annexure P-3) in this regard to the Senior Superintendent of Police, Sangrur. They had also moved an application dated 30.8.2015 (Annexure P-4) before respondent No.3 for removing of deficiencies of Ekta Vihar Colony Mangwal, Nankiana Road, Sangrur. One Shri H.S. Daulat moved a representation dated 13.8.2015 in Sangat Darshan regarding construction of adjoining illegal colony, i.e. New Ekta Vihar. In response thereto, respondent No.3 vide letter dated 31.8.2015 (Annexure P-5) sought clarification of respondent No.6 and vide letter dated 2.9.2015 (Annexure P-6) called respondent No.6 to present their case. The officials of the Patiala Urban Planning and Development Authority, PDA inspected the spot and submitted the report dated 16.9.2015 (Annexure P-7) that the boundary wall of the colony has not been constructed as marked in the layout plan and road No.R-13 leading to plot Nos. 60 and 61 has been extended further to join it with adjoining colony. The respondents of Ekta Vihar had also made a complaint dated 9.11.2015 (Annexure P-8) to the SHO, Police Station, Sadar, Sangrur regarding construction of illegal colony adjoining to Ekta Vihar and illegally joining of roads of Ekta Vihar with adjoining illegal colony. However, no action was taken thereon. Accordingly, the petitioner moved a representation dated 13.6.2016 (Annexure P-9) to the official respondents through their counsel for closure

of the illegal entry points and to complete the boundary wall as per the approved plan, Annexure P-1, 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 representation dated 13.6.2016 (Annexure P-9) to the official 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.3 to take a decision on the representation dated 13.6.2016 (Annexure P-9), in accordance with law by passing a speaking order and after affording an opportunity of hearing to the petitioner and respondent No.6 within a period of three months from the date of receipt of certified copy of the order.

(AJAY KUMAR MITTAL)
JUDGE

November 21, 2016
gbs

(RAMENDRA JAIN)
JUDGE

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No