

Sr. No.222

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

CWP No. 6328 of 2013

Date of decision:7.12.2016

Rajinder Singh Sandhu

.....Petitioner

versus

State of Punjab and others

.....Respondents

Coram: Hon'ble Mr.Justice Rakesh Kumar Jain

Present: Mr. Paraveen K.Kataria, Advocate
for the petitioner.

Mr. Anant Kataria, DAG, Punjab.

Rakesh Kumar Jain, J.(Oral)

This petition is filed for the issuance of a writ in the nature of mandamus, directing respondents No. 1 to 3 to take over the hospital building constructed under NRI PLAN-1 Scheme on the land donated by the petitioner to Punjab Health Department through Registry and Mutation and to start the hospital after taking possession from respondent No. 6 or any other unauthorised person.

After notice, respondent has filed reply and stated in its para No. 14 and 15 that the building is being put to use for medical purposes after possession was taken. Para No. 14 & 15 of the reply also requires to be mentioned and is reproduced as under:-

“Para No.14: That the contents of Para No. 14 of the civil writ petition was wrong hence denied. It is further submitted that the concerned building situated at village Rara was constructed jointly by the petitioner and the Government. It is further submitted that keeping in view the letter No. RAE/5542 dated 22-11-2011 of Deputy Commissioner Hoshiarpur(Annexure

R-1) and resolution passed by the Gram Panchayat of Village Rara, the building was handed over to the Department of Health and Family Welfare, Punjab through Senior Medical Officer, I/C Community Health Centre, Tanda on 23-11-2011. It is further submitted that Subsidiary Health Centre, Rara along with staff i.e. One Rural Medical officer, One Pharmacist and One Sweeper was shifted from the Gurudwara building Village Rara to the newly constructed building in Village Rara. It is further submitted that a Sub Centre namely Salempur under Community Health Centre, Tanda was also shifted to the newly constructed building in Village Rara along with the staff i.e. One Multipurpose Health Worker (Female), Two Multipurpose Health Worker(Male) and One Trained Dai.

Para No. 15: That the contents of Para No. 15 of the civil writ petition are wrong, and hence denied. It is further submitted that inspite of the written letters and reminders and Telephonic messages sent to the petitioner, the charge of the new building was not handed over to the concerned authorities. As per directions given in the letter dated 22-11-2011(R-2) by Deputy Commissioner, Hoshiarpur to Block Development and Panchayat Officer Tanda, the lock of the newly constructed building was broken in the presence of Sh. Avtar Singh Sarpanch and the whole members of the village panchayat including the Station House Officer Tanda, Naib Tehsildar Tanda Block Development and Panchayat Officer Tanda, Senior Medical Officer I/C Community Health Centre Tanda, Rural Medical Officer of Subsidiary Health Centre Rara, and other respectable persons of the village Rara.”

In view of the aforesaid, I do not find that any other issue survives in this case to be adjudicated and hence the present petition is hereby disposed of.

7th December, 2016
Shivani Kaushik

[Rakesh Kumar Jain]
Judge

<i>Whether Speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>