

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

(203)

CWP-18656-1998 (O&M)

Decided on: February 13, 2017.

The Hisar Animal Husbandary Cooperative House-Building Society Limited, Hisar, through its Secretary Dalip Singh.

.... Petitioner

Versus

State of Haryana and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI

Present: Mr. Ishwar C. Garg, Advocate, for
Mr. S.D. Bansal, Advocate, for the petitioner.

Mr. Gaurav Jindal, Addl. A.G., Haryana.

M.M.S. BEDI, J (ORAL)

Learned counsel for the petitioner submits that the petitioner has taken away the brief of the case from the counsel as such notice be issued to the petitioner.

I have considered the facts and circumstances of the case.

The petitioner is a Cooperative Society and has sought a writ in the nature of mandamus requiring the respondents to carry out legal duty and checking the misuse of residential plots for commercial purposes, such as, service stations, iron factories, transport companies, saw-mills, godowns for chemicals/pesticides/medicine storage etc. and thereby save the members of the petitioner society from possible out-break of dreadful diseases and contiguous air, noise and chemical pollution, public nuisance etc.

Short reply filed on behalf of respondent No.7 is taken on record.

On notice having been issued to the respondents, the position regarding the official respondents, stands explained.

In the reply filed on behalf of respondents No. 1 and 2, it has been informed that the petitioner-Society has carved out unauthorized colony in urban area, Hisar without obtaining licence from the Director, Town and Country Planning, Haryana and as such an FIR stands registered in Police Station City Hisar and notice under Section 7 (ii) of the Haryana Development and Regulations of Urban Areas Act have been issued to the individual members of the petitioner-society for raising unauthorized construction. The position regarding respondents No.4 has been explained in preliminary objections.

It appears that on account of factual position having been brought on record by the respondents, the petitioner-society is not interested to pursue this writ petition.

The petition is disposed of without prejudice to the other legal rights of the members of the society to avail any other legal remedy available to them for any prejudicial proceedings having been initiated against them.

In view of the statement made by counsel for the petitioner, counsel will not be responsible for the act of the petitioner-society.

(M.M.S. BEDI)
JUDGE

February 13, 2017
harsha

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No