

CWP No.2626 of 2017

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.2626 of 2017
Date of decision: 14.02.2017

Harinder Singh and others

....Petitioners

Versus

State of Haryana and others

....Respondents

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

Present: - Mr. Vikram Singh, Advocate, for the petitioners.

AJAY KUMAR MITTAL, J. (ORAL)

1. In this writ petition filed under Articles 226 and 227 of the Constitution of India, the petitioners have prayed for issuance of a writ in the nature of *mandamus* restraining respondent No.4 from shifting of Hadda Rori from khasra No.37/17/1, khewat No.309, khatoni No.361 to khasra No.17/14, khewat No.309, khatoni No.351 which is adjoining to Abadi, Phirni, Water Tank etc. and directing respondents No.1 and 2 to make sure that Hadda Rori be shifted outside/far away from the Abadi which was already situated since 2008 and earlier to this and further to take action on the application dated 10.11.2016 (Annexure P-3) by passing a speaking and reasoned order within some specified time.

2. Brief facts of the case, as narrated in the writ petition, are that in Village Konkpur, Tehsil and District Ambala, initially the Hadda Rori was in Killa No.62, Khewat No.209, Khatoni No.251 (land measuring 2 kanals). Thereafter, adjoining to this land, 100 sq. yard plot was carved out and the Gram Panchayat after passing a resolution decided to shift the Hadda Rori

to Killa No.37/17, Khewat No.309, Khatono No.361, however, the same has

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been shifted to Killa No.17/14, Khewat No.209, Khatoni No.351 on 16.08.2016, which is adjoining the Abadi, Pond, Passage, Water Tank, Phirni and near the cremation ground. Petitioners and other residents of the Village submitted applications dated 11.08.2016 and 07.09.2016 (Annexures P-1 and P-2, respectively) before respondent No.2 for restraining respondent No.4 from shifting the Hadda Rori to Killa No.17/14 on the ground that it will be difficult for the villages to pass through the passage. Putting of dead animals near the Abadi area, Water Tank and Pond is adversely affecting the health of the Villagers. When no action taken by respondent No.2 on the applications (Annexure P-1 and P-2), petitioner filed application dated 10.11.2016 (Annexure P-3) under Section 196 of the Haryana Panchayati Raj Act for directing the Gram Panchayat not to shift the Hadda Rori near the Abadi. However, till date no action has been taken on application dated 10.11.2016 (Annexure P-3). Hence, the present writ petition.

3. Learned counsel for the petitioner submitted that for the relief claimed in the writ petition, the petitioners have sent the representations dated 11.08.2016 (Annexure P-1), dated 07.09.2016 (Annexure P-2) and dated 10.11.2016 (Annexure P-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.1 to take a decision on the representation dated 10.11.2016 (Annexure P-3), in accordance with law by passing a speaking order and after affording an

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opportunity of hearing to the petitioners within a period of two months from the date of receipt of certified copy of the order.

(AJAY KUMAR MITTAL)
JUDGE

February 14, 2017
R.S. (RAMENDRA JAIN)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No