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IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CWP-2850-2017

Date of decision : 20.02.2017

Maman

... Petitioner

Versus

State of Haryana and others

... Respondents

**CORAM: HON'BLE MR. JUSTICE AMIT RAWAL**

Present: Mr. Abhinav Sood, Advocate for  
Mr. Vikram Singh, Advocate  
for the petitioner.

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**AMIT RAWAL, J. (ORAL)**

This Court had called upon the learned counsel for the petitioner to apprise this Court about the maintainability of the petition on the part of the private person in respect of public premises.

Mr. Abhinav Sood, learned counsel appearing on behalf of the petitioner has drawn the attention of this Court to paragraphs Nos.9 to 11 of the judgment rendered by this Court in “Puran and others V/s Commissioner and others” 2012 (1) L.A.R. 448, to contend that anybody can bring to the notice of the Collector about the illegal possession.

There is no dispute to the *ratio decidendi* culled out by the judgment cited supra, but the fact remains that the private person cannot be a petitioner, in my view the petition should have been treated by the Collector as a representation and thereafter, the concerned authority should have proved the matter with regard to the encroachment and taken action in

accordance with law, therefore, the following relief sought in the present writ petition cannot be granted:

- i) Issue a writ in the nature of Mandamus directing the respondent No.2 to decide the petition dated 02.12.2016 (Annexure P-1) within some specified time filed under Sections 2 to 7 of the Public Premises Act, 1971 for directing the respondents to remove the illegally constructed shops from the 30 feet wide due to which there is no passage for ingress and egress.*
- ii) Issue any other appropriate writ, order or direction, as may be deemed fit in the facts and circumstances of the present case."*

With the aforesaid observations, the present writ petition stands disposed of with the direction/liberty, aforementioned.

**20.02.2017**  
Yogesh Sharma

**( AMIT RAWAL )**  
**JUDGE**

✓  
Whether speaking/reasoned    **Yes/ No**

✓  
Whether Reportable    **Yes/ No**