

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

(119)

CWP-7412-2017

Decided on: April 07, 2017.

Munish Mahajan

.... Petitioner

Versus

State of Punjab and others

..... Respondents

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

Present: Mr. Anmol Rattan Sidhu, Sr. Advocate, with
Mr. Onkar Singh Batalvi, Advocate, for the petitioner.

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

Through instant writ petition, the petitioner seeks a writ in the nature of certiorari for quashing the recommendation Annexure P-15 which has been made by respondents No. 5 to 9, the MLAs of five different constituencies requesting the Health and Family Welfare Minister of Govt. of Punjab to close down the Chakri gate, opened in an unauthorized manner in Civil Hospital, Mukerian, District Hoshiarpur.

With the assistance of learned counsel for the petitioner, I have considered Annexure P-15 which does not appear to contain any recommendation by any authority or Minister.

Apprehending that closure of Chakri gate at Civil Hospital, Mukerian, District Hoshiarpur will be prejudicial to the petitioner, present petition has been filed.

A similar petition had earlier been filed by the petitioner which was decided on 30.03.2017 with following orders:

“The petitioner has sought a direction to respondent No.2 not to entertain and consider representation (Annexure P-10) , which has been submitted by an MLA of Mukerian and the Sarpanches of the Gram Panchayats.

I have heard counsel for the petitioner and gone through representation (Annexure P-10), in which a request has been made to the Deputy Commissioner, Hoshiarpur to close the Chakri Gate at Civil Hospital, Mukarian. The petitioner claims that he is running a medical store adjacent to the Civil Hospital, Mukerian and the closing of the gate would adversely affect his business.

After hearing counsel for the petitioner and going through the facts and circumstances of the case, I am of the opinion that it will not be appropriate for this Court to enter into the disputed questions of fact and the rights of the various Gram Panchayats, as claimed before the Deputy Commissioner, Hoshiarpur. In the interest of justice, a direction is issued that before passing any order for closing of the Chakri Gate, the grievance of the petitioner will be taken into consideration by the Deputy Commissioner, Hoshiarpur. All pleas raised in this petition, may be raised before the Deputy Commissioner, Hoshiarpur. In case the petitioner submits any objections before the Deputy Commissioner, Hoshiarpur, the same would be considered along with the application/ representation, filed by any rival contender.”

The petitioner appears to have submitted a representation to the Deputy Commissioner, Hoshiarpur on 03.04.2017. Copy of the said representation has not been appended with the petition, however, it has been brought to the notice of this Court.

I have considered the facts and circumstances of the case and this petition appears to be pre-mature.

This petition is disposed of as pre-mature. In case, the petitioner has already moved the requisite application, he may approach the Deputy Commissioner, Hoshiarpur for adjudication of the same

expeditiously. In case, any such request is made, the Deputy Commissioner, Hoshiarpur shall make earnest endeavour to consider the representation fairly and would pass speaking order within a period of one month after filing of any such request.

(M.M.S. BEDI)
JUDGE

April 07, 2017
harsha

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No