

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

(106)

CWP-8373-2017

Decided on: April 25, 2017.

Tejbir Singh

.... Petitioner

Versus

State of Haryana and others

..... Respondents

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

Present: Ms. Deepa Jain, Advocate, for the petitioner.

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

Petitioner feels aggrieved by the running of school in the close vicinity of his agricultural land claiming that the petitioner is not able to enjoy his property on account of the illegal interruption by the running of the school.

After hearing learned counsel for the petitioner, it appears that dispute of the petitioner with respondent No.4 is of civil nature which can be adjudicated by a Civil Court in a suit for injunction which is maintainable under Sections 38 and 39 of the Specific Relief Act. The writ petition appears to be not maintainable but since the petitioner, as a citizen, has approached the Deputy Commissioner and District Education Officer, Faridabad vide representations Annexure P-2 dated 13.10.2016 and Annexure P-3 dated 04.10.2016 respectively, his claim can be considered by them in the exercise of administrative authority being the supervisory authority of the education institutions.

Notice to Advocate General, Haryana.

On asking of the Court, Mr. Kapil Bansal, DAG, Haryana, present in the Court, accepts notice.

Counsel for the petitioner is directed to hand over two sets of paper book to the State counsel, during course of the day.

The interest of justice would be adequately met, in case, the Deputy Commissioner and District Education Officer, Faridabad are required to look into the grievance of the petitioner by considering the averments in representations Annexure P-2 and P-3 after affording an opportunity of hearing to the petitioner.

This petition is disposed of with a direction that the Deputy Commissioner, Faridabad and District Education Officer, Faridabad would consider the claim of the petitioner in representations Annexure P-2 dated 13.10.2016 and Annexure P-3 dated 04.10.2016 respectively and pass a speaking order after consideration of circumstances, preferably within a period of three months after the receipt of certified copy of this order. The order passed will be communicated to the petitioner.

Nothing mentioned in the order be deemed to be an expression of opinion on the averments of the petition.

(M.M.S. BEDI)
JUDGE

April 25, 2017
harsha

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