

114

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

CWP-27086-2018

Date of decision-22.10.2018

Bal Kishan Malik

....Petitioner

Vs.

Principal Secretary Urban Local Bodies and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Kuldeep Khandelwal, Advocate for the petitioner.

JITENDRA CHAUHAN, J.

This writ petition under Articles 226/227 of the Constitution of India has been filed for the issuance of a writ, in the nature of mandamus directing respondent Nos.1 to 3 for removing illegal encroachment of respondent No.5 upon cremation ground.

Learned counsel for the petitioner contends that the matter was gone into by respondent No.4 who observed that no encroachment has taken place, however, as per fresh report dated 09.08.2018 (Annexure P-6), encroachment has been found to be on the spot. Further, learned counsel states that at this stage he would be satisfied, if a direction is issued to respondent No.3-Deputy Commissioner, Mini Secretariat, Kaithal to consider and decide the legal notice dated 21.12.2017 (Annexure P-4).

Notice of motion.

At the asking of the Court, Mr. Sandeep Moudgill, Addl.AG,

Haryana accepts notice on behalf of the respondent-State. A complete copy of the paper book has been furnished to the learned State counsel, in the Court.

Heard.

In view of the above, without advertng to the merits of the case, the present petition is disposed of with a direction to respondent No.3- Deputy Commissioner, Mini Secretariat, Kaithal to consider and decide the legal notice dated 21.12.2017 (Annexure P-4) within six weeks from the receipt of the certified copy of the order. In case, on consideration, the competent authority reaches to the conclusion that the benefit claimed by the petitioner is admissible to him, in such eventuality, the consequential relief be allowed to him, within a period of six weeks thereafter. However, in case the competent authority feels that the relief claimed by the petitioner is not admissible or made out, in that case, a speaking order be passed in the matter.

(JITENDRA CHAUHAN)
JUDGE

22.10.2018

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