

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

230

CWP-7420-2017
Date of Decision: 21.03.2018

GURMEET KAUR

....Petitioner.

Versus

STATE OF HARYANA & ORS.

...Respondents.

CORAM:- HON'BLE MR. JUSTICE AJAY KUMAR MITTAL
HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Ms. Aashna Gill, Advocate
for the petitioner.

Mr. Sandeep Moudgil, Additional Advocate General,
Haryana.

Mr. Brijender Kaushik, Advocate
for respondent No.4.

AJAY KUMAR MITTAL, J. (ORAL)

The petitioner, by way of present writ petition filed under Articles 226/227 of the Constitution of India, is seeking writ of mandamus directing the respondents to take action against the proprietor of Harsh Wood Works, Barara-respondent No.4, who according to the petitioner, is carrying out activities in residential area which is resulting in various health problems like asthma, allergies, loss of hearing and eye sight etc. to the residents or in the alternative to relocate the furniture factory to a designated industrial area.

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-7420-2017

-2-

2. Learned counsel for the petitioner submitted that an application for removal of the nuisance, which is being carried out by respondent No.4, had been filed to the Executive Magistrate, Barara on 24.08.2015 (Annexure P-4), in which the SDM, Barara had sought report from the Secretary, Municipal Corporation as well as the Medical Officer (CHC Barara) after carrying out the spot inspection by them. It was urged that in spite of over two and half years having been passed, no final order thereon has been passed so far.

4. After hearing learned counsel for the parties, perusing the averments made in the writ petition and without expressing any opinion on the merits of the controversy, we dispose of the present writ petition, at this stage, by directing respondent No.3 to take a final decision on the application filed by the petitioner on 24.08.2015 (Annexure P-4), within a period of 03 months, after affording an opportunity of hearing to the petitioner and respondent No.4, by passing a speaking order, in accordance with law.

(AJAY KUMAR MITTAL)
JUDGE

(ANUPINDER SINGH GREWAL)
JUDGE

21.03.2018

SwarnjitS

Whether speaking/reasoned :	YES/NO
Whether reportable :	YES/NO