

HONOURABLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.3566 of 2019

ORDER:

The prayer of the petitioner firm in this case reads as under:

“For the reasons stated in the accompanying affidavit, it is hereby prayed that this Hon'ble Court may be pleased to issue an appropriate Writ, Order or Direction, more particularly one in the nature of Writ of Mandamus declaring the action of Respondent Nos.2 to 5 in not considering the objections of the Petitioner and taking steps to issue final layout in favour of Respondent No 6, as Respondent No 6 has obtained provisional layout by making false statement vide representations dated 06.11.2018 and 10.01.2019, as arbitrary, illegal and contrary to the Layout Rules and consequently direct Respondent No.5 to consider the objections filed by the Petitioner before issuing the final layout in favour of the Respondent No.6 and to pass such other order or orders as this Honourable Court may deem fit and proper in the facts and circumstances of the case.”

In the light of the order proposed to be passed by this Court without going into the merits of the matter, it would not be necessary to put respondent No.6 on notice or afford him an opportunity of hearing at this stage.

As the competent authority is stated to be seized of the application made by respondent No.6 for sanction of layout and as the petitioner firm claims to be the owner of neighbouring agricultural land and has raised objections in relation to respondent No.6's application, it would be appropriate that the authority concerned duly takes into account the objections raised by the petitioner firm also while considering the application of respondent No.6.

The Writ Petition is accordingly disposed of directing respondent Nos.4 and 5 herein to consider the objections raised by

the petitioner firm under its letters dated 06.11.2018 and 10.01.2019 and take a decision in the matter after giving due opportunity of hearing to both parties.

Pending Miscellaneous Petitions, if any, shall stand closed in the light of this final order. No order as to costs.

JUSTICE SANJAY KUMAR

21st February, 2019
dr

