

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

CWP-7781-2019 (O&M)

Date of decision:- 26.03.2019

Panchkula Chamber of Commerce and Industry and another

...Petitioners

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE KRISHNA MURARI, CHIEF JUSTICE
HON'BLE MR. JUSTICE ARUN PALLI

Present:- Mr. Prateek Gupta, Advocate,
for the petitioners.

Mr. Deepak Balyan, Additional Advocate General, Haryana,
Mr. Sharad Aggarwal, Assistant Advocate General, Haryana,
for respondents No. 1 to 6.

Mr. Sandeep Moudgil, Advocate,
for respondent No. 7.

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KRISHNA MURARI, C.J. (ORAL)

Grievance of the petitioners-associations of industries is in respect of construction of an ROB (Road Over-Bridge) between Industrial Area, Phase I and Sector 19, Panchkula on the ground that in case the proposed development is allowed to take place, the ingress and egress to a number of factories situated in and around the proposed construction site would be blocked.

2. Raising this grievance, the petitioners approached this Court by filing CWP-30711-2018 which was disposed of vide order dated 04.12.2018 by making the following observations:-

"Aggrieved by the proposed construction of a road over-bridge (ROB) at Crossing No. 122 on Chandigarh-Ambala railway-line at Sector 19, Panchkula, the petitioners-associations of industries situated in Industrial Area, Phase-I, Panchkula, have approached this Court with a grievance that in case the

proposed development is allowed to take place, the ingress and egress to a number of factories situated in and around the proposed construction site would be blocked.

Notice of motion.

On our asking, learned Additional Advocate General, Haryana, who is present in Court accepts notice for the respondents. A complete set of the paper book stands supplied to Mr. Deepak Balyan, Additional Advocate General, Haryana.

Since the issue involved is required to be looked into by technical experts, it would be appropriate if the petition itself is treated as a representation of the petitioners and the authorities concerned, after looking into the same, pass appropriate orders in accordance with law.

In view of the above, we dispose of this petition by providing that the copy of the petition, supplied to Shri Balyan, shall be treated as a representation made before respondent No. 1 and the respondent-authorities, after looking into the same and after affording an opportunity of hearing to the duly authorized representative(s) of the petitioners-associations, shall take an appropriate decision by passing a reasoned and speaking order as expeditiously as possible, preferably within a period of two weeks."

3. However, when no decision on the representation was taken, the instant petition was filed seeking again a direction to respondent No. 1 to consider the earlier writ petition being CWP-30711-2018 as a representation in terms of the order dated 04.12.2018 passed by this Court and pass a speaking order thereon. Vide order dated 20.03.2019, on asking of the learned Additional Advocate General, Haryana, we allowed time to seek instructions in the matter. Today, when the matter has been

called out, a copy of the decision/order dated 25.03.2019 has been placed before us stating that the Additional Chief Secretary, Public Works (B&R) Department has constituted a Committee under the Chairmanship of Engineer-in-Chief, PWD (B&R), Chandigarh comprising of Engineer-in-Chief, HSIIDC, Chief Engineer, ULB and Chief Engineer, HSVP to consider the suggestions and the petition of the petitioners and their representatives and furnish report within 05 days to the Principal Secretary to Government of Haryana, Urban Local Bodies Department, who is the competent and relevant authority, for passing a detailed speaking order as directed by this Court. It has further been stated that in the meanwhile the construction work at the site shall also remain suspended till passing of a speaking order by the competent authority. The order passed on to us further goes to show that the same was passed after hearing and in consultation with the petitioners and their members.

4. In the wake of the above facts, we see no reason for this petition to continue on board any further. We have no reason to doubt that as directed vide order dated 25.03.2019, the Committee shall submit its report within 05 days and the relevant authority, namely, the Principal Secretary to Government of Haryana, Urban Local Bodies Department, shall take a decision thereon in compliance of our order dated 04.12.2018 passed in CWP-30711-2018 expeditiously in accordance with law.

5. The petition accordingly stands disposed of.

(KRISHNA MURARI)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

26.03.2019
Amodh

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