

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

CWP-15764-2019

Date of decision-31.05.2019

Kuldip Raj and others

...Petitioners

Vs.

State of Punjab and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Shailendra Sharma, Advocate
for the petitioner(s).

Ms. Samina Dhir, D.A.G., Punjab.

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 respondents to remove the garbage depot for storing the obnoxious rubbish/waste material from the present spot and shift it to some other place in order to safeguard the health of the general public as the respondents have failed to take necessary action despite the judgment dated 17.07.2017 (Annexure P-1) passed by this Court and legal notice dated 07.04.2018 (Annexure P-4) served by the petitioners.

Learned counsel for the petitioners states that at this stage, he would be satisfied, if a direction is issued to respondent No.4- The Deputy Commissioner, Hoshiarpur to consider and decide the legal notice dated 07.04.2018 (Annexure P-4), expeditiously.

Heard.

A complete set of paper book has been handed over to Ms. Samina Dhir, D.A.G., Punjab, in the Court today.

In view of the above, without adverting to the merits of the case, the present petition is disposed of with a direction to respondent No.4- The Deputy Commissioner, Hoshiarpur to consider and decide the legal notice dated 07.04.2018 (Annexure P-4) in accordance with law within six weeks from the date of receipt of the certified copy of the judgment. In case, on consideration, the competent authority reaches to the conclusion that the prayer made by the petitioners is admissible, in such eventuality, the consequential relief be allowed to them, within a period of six weeks thereafter. However, in case the competent authority feels that the prayer made by the petitioners is not admissible, in that case, a speaking order be passed in the matter.

31.05.2019

ps-I

**(JITENDRA CHAUHAN)
JUDGE**

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