

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP-30583-2019

Date of Decision:-22.10.2019.

Dashmesh Sainik Education Society

.....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE SANJAY KUMAR

Present: Dr. Anmol Rattan Sidhu, Senior Advocate with
Mr. Shiv Kumar Sharma, Advocate for the petitioner.

SANJAY KUMAR, J. (Oral)

The petitioner is an educational society which runs a school, by name, Dashmesh International School, at Naraingarh Bye-pass, Chheharta, Amritsar. Cause for grievance on its part presently is the alleged action of the unofficial respondents, viz., respondent Nos.5 and 6, in seeking to construct a marriage palace/banquet hall adjacent to the school premises.

Mr. Sidhu, learned Senior counsel for the petitioner-Society, would assert that the proposed construction by the unofficial respondents would be in violation of the State policy laid down by the Government of Punjab, vide Notification No.12/8/2012-5HgII/4610 dated 11.08.2017, which mandates that a new function hall ought not to be constructed within 100 meters of an existing school.

The petitioner-Society made representations dated 16.09.2019 to the Deputy Commissioner, Amritsar Cantonment, Amritsar, respondent

No.2, and the Commissioner, Municipal Corporation, Amritsar, respondent No.3. Learned Senior counsel states that the said representations have not evoked any response.

As the authorities concerned are yet to apply their mind to the issue raised by the petitioner-Society and are yet to take a decision upon its representations dated 16.09.2019, this Court finds no reason to entertain this writ petition and adjudicate upon the issues raised therein on merits. Further, as this Court does not propose to go into the merits of the matter, there is no necessity to put the unofficial respondents on notice or afford them an opportunity of hearing at this stage.

The authorities concerned necessarily have to consider the petitioner's representations on their own merits and in accordance with law and take appropriate action thereon. The writ petition is accordingly disposed of directing respondent Nos.2 and 3 to take appropriate action, as warranted, upon the petitioner's representations dated 16.09.2019.

Needless to state, in the event such consideration has an adverse impact on any third parties, including the unofficial respondents herein, the authorities concerned shall afford them an opportunity of hearing before taking a final decision in the matter. This exercise shall be completed expeditiously and in any event, not later than two weeks from the date of receipt of a certified copy of this order.

No order as to costs.

(SANJAY KUMAR)
JUDGE

October 22, 2019.

sandeep

Whether speaking/reasoned:-

Yes / No

Whether Reportable:-

Yes / No.