

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

CM-500-501-CWP-2019 in/and
CWP-32053-2018 (O&M)
Date of decision: 16.1.2019

Satwinder Singh and another

...Petitioners

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr.JS Brar, Advocate for the petitioners

JITENDRA CHAUHAN, J.

CM-500-CWP-2019

Allowed as prayed for.

CM-501-CWP-2019

For the reasons enumerated in the application, the same is allowed and true translation of letter dated 18.5.2018 and resolution No.2 dated 24.8.2018 are taken on record as Annexure P-8/A and P-17 respectively, subject to all just exceptions.

Main case

This writ petition under Articles 226/227 of the Constitution of India has been filed for issuance of direction to the respondents to dismantle the street and drains constructed on its both sides (marked as AA CC in the annexed site plan Annexure P-1), as these have been constructed without any scheme, any administrative approval and any technical advice.

On oral request of learned counsel for the petitioners, Deputy Commissioner, Moga is ordered to be impleaded as respondent No.9.

Registry is directed to make the necessary amendment in the memo

of parties accordingly.

Learned counsel for the petitioners states that the petitioners addressed a representation Annexure P-5 to respondent No.9 -Deputy Commissioner, Moga, on which a report was sought from the District Development and Panchayat Officer. The DDPO, after inspecting the spot, made a report that the level of the drain and street is not proper. At this stage, he would be satisfied, if a direction is issued to respondent No. 9-Deputy Commissioner, Moga to take a final view in the matter expeditiously.

Heard.

A complete set of paper book has been handed over to Mr.Vikas Mohan Gupta, Addl.AG, 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. 9- Deputy Commissioner, Moga to look into hte report and take a final view in the matter within six weeks from date of receipt of the certified copy of the judgment after giving an effective opportunity of hearing to the petitioners. In case, on consideration, the competent authority reaches to the conclusion that the benefit claimed by the petitioners is admissible to them, 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 relief claimed by the petitioners is not admissible or made out, in that case, a speaking order be passed in the matter.

16.1.2019
gsv

(JITENDRA CHAUHAN)
JUDGE

Whether speaking / reasoned?

Yes / No

Whether reportable?

Yes / No