

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-PIL No. 71 of 2020 (O&M)
Date of decision:- 03.07.2020

Swasthya Siksha Sehyog SangathanPetitioner
versus
State of Haryana and others ...Respondents

**CORAM: HON'BLE MR. JUSTICE RAVI SHANKER JHA, CHIEF JUSTICE
HON'BLE MR. JUSTICE ARUN PALLI, JUDGE.**

Present:- Mr. Amit Jhanji, Advocate, for the petitioner.
Mr. Deepak Balyan, Addl. Advocate General, Haryana,
for the respondents.
* * * *

RAVI SHANKER JHA, C.J. (ORAL)

With the consent of learned counsel for the parties, the matter is being taken up and heard via video conferencing (Webex App software).

This petition has been filed in public interest against the construction of a hospital being undertaken by the private respondents besides a petrol pump on the government land without obtaining necessary permission/sanction etc. as required by law.

On perusal of the facts of the case it is observed that the matter has already been taken up by the Deputy Commissioner, Bhiwani who has appointed Sub Divisional Magistrate, Bhiwani as the Enquiry Officer vide order dated 20.03.2020 and the Sub Divisional Magistrate, Bhiwani has already issued a letter to the Tehsildar concerned to ensure the presence of the private respondents for further enquiry by notice dated 28.05.2020. It is also evident that the Executive Officer, Municipal Council, Bhiwani by his letter dated 02.06.2020 has directed the Secretary, Municipal Council, Bhiwani and Executive Engineer, Municipal Council, Bhiwani to conduct an enquiry into the above mentioned illegalities. It is submitted that Executive Engineer on 16.06.2020 has already written to the Secretary, Municipal

Council, Bhiwani that certain officials of the Municipal Council, Bhiwani

are involved in the illegalities and deliberately no action was being taken by the authorities in the matter which was violative of the orders passed by the senior officers.

Learned Additional Advocate General appearing for the State of Haryana submits that as the matter has already been taken up by the Deputy Commissioner, Bhiwani, necessary decision under sections 208 and 208-A of the Haryana Municipal Act, 1973 shall be taken by the authorities as expeditiously as possible preferably within a period of four weeks from the date a certified copy of the order passed today is supplied to the authorities concerned. He submits that all the allegations and submissions made by the petitioner would be duly considered by the authorities and a decision thereon shall be taken in accordance with law.

In view of the aforesaid statement of the learned Additional Advocate General appearing for the State of Haryana and without commenting upon the merits of the case, the petition is disposed of directing the authorities to take a decision in the matter within a period of four weeks from the date a certified copy of the order passed today is supplied to the authorities after hearing all the concerned strictly in accordance with the procedure prescribed by law.

In the meanwhile, the petitioner, if so advised, is permitted to move the competent authority seeking stay of further construction.

(RAVI SHANKER JHA)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

03.07.2020
ravinder

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