

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

114

CWP-10206-2020 (O&M)

Decided on : 20.07.2020

Mahant Tarsem Dass

... Petitioner

Versus

State of Punjab & others

... Respondents

CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA

Present: Mr.Sanjiv Gupta, Advocate, for the petitioner.

Ms. Monica Chhibber Sharma, Sr.DAG, Punjab.

(The proceedings are being conducted through video conferencing,
as per instructions.)

G.S. Sandhawalia, J. (Oral)

CM-6496-CWP-2020

Application for exemption from filing attested copy of affidavit, is allowed, in view of the averments made in the application, duly supported by affidavit.

CWP-10206-2020

Prayer made in the present writ petition, filed under Articles 226/227 of the Constitution of India is for quashing of the public notice dated 04.07.2020 (Annexure P-12) regarding the proposal for appointment of the Mohtmim of Mandir Khakia Wala Dera Khak Mirch Mandi, Sanauri Adda, Patiala Tehsil Patiala. Further direction is sought to incorporate the revenue entries in favour of the petitioner as Mahant in the revenue record and not to proceed further with the public notice.

Admittedly, petitioner has not approached the respondents after the public notice had been issued by the Deputy Commissioner, Patiala, respondent No.3, prior to the filing the writ petition, putting forth his grievances as to why the said public notice should not be acted upon. It is settled principle that a writ of mandamus is not liable to be issued until there is a demand, as such and a denial or inaction on the part of the respondents.

Faced with this situation, counsel for the petitioner submits that on an earlier occasion, petitioner had given a representations dated 05.08.2012 (Annexure P-10) and 22.12.2019 (Annexure P-11) to respondent No.3 but the same had not been acted upon.

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Notice of motion.

State Counsel accepts notice on behalf of the respondents.

Keeping in view the fact that the petitioner had submitted representations on an earlier occasion and he has specifically stated that no action had been taken on the said requests, this Court is of the opinion that it would be appropriate that respondent No.3 acts on the said requests already made before proceeding ahead. In case the said representations dated 05.08.2012 (Annexure P-10) and 22.12.2019 (Annexure P-11) have been received by respondent No.3, the said respondent shall take a decision on the same, by passing a speaking order, before proceedings ahead with the public notice. Needful be done within a period of 6 weeks from the receipt of a certified copy of this order.

It is, however, open to the respondents to file appropriate application for clarification of the order in case any of the pleadings of the petitioner are found to be incorrect since reply has not been called for.

With the above-said directions, the present writ petition stands disposed of.

**(G.S. SANDHAWALIA)
JUDGE**

JULY 20, 2020
sailesh

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No