

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

CWP-(PIL)-41-2021 (O&M)
Date of decision:- 04.03.2021

Residents Welfare Society (Regd.) ...Petitioner (s)
Versus

State of Haryana and others ...Respondent(s)

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

Present: Mr. Gaurav Jain, Advocate,
for the petitioner.
Mr. Deepak Balyan, Additional Advocate General, Haryana.

(The aforesaid presence is being recorded through video conferencing since the proceedings are being
conducted in virtual Court)

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RAVI SHANKER JHA, C.J. (ORAL)

This petition has been filed as a Public Interest Litigation praying for a direction to the respondent-authorities not to change the nature of gair mumkin johar situated at Killa Nos. 114, 115, 117, 118, 120, 121, 123, 124 and 163 as reflected in jamabandi for the year 1961-1962 (Annexure P-2) to protect the fundamental right under Article 21 of the Constitution of India and also to protect the natural ecological system and to maintain ground water level etc. mentioned in Articles 48(A) and 51A(g) thereof and to sustain the objects and reasons of the Environment (Protection) Act, 1986.

The petitioner points out that identical petitions i.e. CWP-3221-2021 titled as *Rajpal and another Vs State of Haryana and others*, CWP-7013-2012 titled as *Raj Kumar Vs State of Haryana and others* and CWP-9973-2013 titled as *Jagdev Singh Vs State of Haryana and others* have been disposed of by a Division Bench of this Court on 22.11.2012, 23.11.2012 and 22.05.2013 respectively referring to a decision of the Supreme Court rendered in *Hinch Lal Tiwari Vs Kamla Devi* (2001) 6 SCC 496. It is submitted that the petitioner has already filed various representations before the respondent-authorities which are pending consideration.

Mr. Deepak Balyan, learned Additional Advocate General, Haryana submits that the representations filed by the petitioner shall be considered expeditiously in accordance with law keeping in mind the decision of the Supreme Court in *Hinch Lal Tiwari* (supra).

In view of the aforesaid statement made by learned State counsel, we do not find any reason to entertain the present petition which is disposed of. It is made clear that this Court has not expressed any opinion on the merits of the case and, therefore, the authorities would be at liberty to examine the matter keeping all facts and facets into consideration.

(RAVI SHANKER JHA)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

04.03.2021

Amodh

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