

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

Sr. No.126

CWP-5711-2021

Date of Decision: 10.03.2021

DEVENDER YADAV

... Petitioner

VERSUS

STATE OF HARYANA AND OTHERS

... Respondents

**CORAM: HON'BLE MS. JUSTICE RITU BAHRI
HON'BLE MRS. JUSTICE ARCHANA PURI**

Present: Mr. Abhimanyu Singh, Advocate,
for the petitioner.

RITU BAHRI, J.

This petition under Article 226 of the Constitution of India is for issuing of writ of mandamus directing respondent No.4 to take appropriate and strict action against the violation made at the instance of private respondent No.5 by constructing the unauthorized construction for the commercial use of plot No.438-A, opposite plot No.475/7, situated at Kadipur Enclave, Gurugram.

As per the details given in the representation dated 05.10.2020 (Annexure P-6), the Municipal Corporation, Gurgaon, vide order dated 20.08.2018 (Annexure P-1) gave direction for demolition of the unauthorized construction for commercial use. It is contended that the appeal filed before Commissioner, Gurugram Division, under Section 261 of the Haryana Municipal Corporation Act, 1994, by respondent No.5, against the said order dated 20.08.2018 (Annexure P-1), was dismissed vide order dated 22.11.2018 (Annexure P-3).

Thereafter, a recommendation has been made vide letter dated 04.09.2018 (Annexure P-4) by Commissioner, Municipal Corporation, Gurgaon, to the Commissioner of Police, Gurgaon, to get the unauthorized construction removed and for registration of FIR in case of any obstruction.

Petitioner has also made a representation dated 06.07.2018 (Annexure P-5) to the Commissioner, Municipal Corporation, Gurgaon for taking legal action after registering FIR against accused, who has taken illegal possession and done illegal construction. Now, a detailed representation dated 05.10.2020 (Annexure P-6) has also been made again for taking action on the complaint made by the petitioner.

Notice of motion.

Mr. Hitesh Pandit, Additional Advocate General, Haryana, accetps notice on behalf of the respondent-State.

Keeping in view the above facts and circumstances, without expressing any opinion on the merits of the case, the instant petition is disposed of by giving direction to respondents No.4 to decide the representation dated 05.10.2020 (Annexure P-6) filed by the petitioner, by passing a speaking order in accordance with law.

(RITU BAHRI)
JUDGE

(ARCHANA PURI)
JUDGE

10.03.2021

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