

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH.**

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CWP-1109-2023

Date of Decision : 19.01.2023

SURAJBHAN

.....Petitioner

Versus

STATE OF HARYANA AND ANR.

....Respondents

**CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR
HON'BLE MR. JUSTICE KULDEEP TIWARI**

Present : Mr. Ajay Chaudhary, Advocate
for the petitioner.

Mr. Raman Sharma, Addl. A.G., Haryana.

SURESHWAR THAKUR, J. (Oral)

1. Though the petitioner does not challenge the orders of eviction, as become concurrently made against him, by the statutory authorities below. However, he becomes aggrieved from the lack of action being taken by the authorities concerned, upon Annexure P-2, hence containing a proposal, that in consonance with the relevant rules, the petitioner be permitted, to cause the execution in his favour of a registered deed of conveyance, by the Competent Authority concerned. Therefore, a mandamus is claimed against the respondents concerned, for the makings of a lawful decision, upon Annexure P-2. It is not disputed amongst the contesting litigants, that Annexure P-2 had become approved by the panchayat concerned. Reiteratedly, it appears that the lack of action on Annexure P-2, by the Competent Authority concerned, has resulted in the petitioner asking for a mandamus being made upon the authorities concerned, to take a further lawful decision, upon, the proposal of the panchayat, as contained in Annexure P-2.

2. The learned State counsel submits that at this stage, there is no embargo or restriction upon the authorities concerned, to, in accordance with the relevant rules hence make an objective decision upon Annexure P-2. If so, the authorities concerned, are directed to, after making an objective application of mind qua all the parameters embodied in the relevant rules, hence make a speaking decision upon Annexure P-2. The above shall be done within a month from today and after hearing all affected concerned.
3. In the larger interest of justice, till a decision is made by the Competent Authority, upon Annexure P-2, no coercive action be drawn by the respondents, in respect of Annexure P-11.
4. Disposed of accordingly.

(SURESHWAR THAKUR)
JUDGE

(KULDEEP TIWARI)
JUDGE

19.01.2023
kavneet singh

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