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

CWP-3883-2021

Date of decision : 03.02.2023

Baljinder Kaur

...Petitioner

Versus

UT Chandigarh and others

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

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

Ms. Aakanksha Sawhney, Advocate for respondent Nos.1 to 3.

Mr. Ravi Nandan, Respondent No.4 in person.

Mr. Yuv Raj Sharma, Respondent No.5 in person.

VIKAS BAHL, J. (ORAL)

This is a Civil Writ Petition filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of mandamus directing the official respondents for taking necessary action on the complaint dated 14.12.2020 (Annexure P-3) as well as legal notice dated 06.01.2021 (Annexure P-6).

Learned counsel for the petitioner has submitted that encroachment has been made by respondent No.4 on the public street and has submitted that regarding the same, legal notice dated 06.01.2021 (Annexure P-6) has been given by the petitioner to the Additional Commissioner, Municipal Corporation, Chandigarh and the petitioner would be satisfied in case,

respondent No.2, after giving proper opportunity of hearing to the petitioner, considers the said legal notice and takes appropriate action, in accordance with law.

Today, Mr. Ravi Nandan, respondent No.4 and Mr. Yuv Raj Sharma, respondent No.5 have appeared in person and have submitted that there is no encroachment made by them and they have no objection in case, the Additional Commissioner, Municipal Corporation, Chandigarh, considers the entire matter but an opportunity of hearing be given to them also to present their side.

Learned counsel for respondent Nos.1 to 3 has submitted that respondent No.2 would give personal hearing to the petitioner as well as respondent Nos.4 and 5, after duly informing them and after hearing them and also considering the averments made in the legal notice dated 06.01.2021 (Annexure P-6), action, if any, in accordance with law is called for, same would be taken in accordance with law.

Keeping in view the abovesaid facts and circumstances, the present Civil Writ Petition is disposed of with directions to respondent No.2 to hear the petitioner as well as respondent Nos.4 and 5 with respect to dispute which has been mentioned in the legal notice dated 06.01.2021 (Annexure P-6) and after giving personal hearing to them in case, he comes to the conclusion that any action in accordance with law is required to be taken then the same be taken in accordance with law.

03.02.2023*Pawan***(VIKAS BAHL)
JUDGE****Whether speaking/reasoned:- Yes/No****Whether reportable:- Yes/No**