

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CWP-3598-2023

Date of decision : 22.02.2023

Ram Labhaya

... Petitioner

Versus

State of Haryana and others

... Respondents

CORAM: HON'BLE MR.JUSTICE VIKAS BAHL

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

Ms.Upasana Dhawan, A.A.G. Haryana for resp.no.1 to 3.

Mr.Hardeep Singh Poonia, Advocate for
Mr.Rajesh K.Sheoran, Advocate
for respondent no.4.

VIKAS BAHL, J.(ORAL)

This is a civil writ petition under Articles 226/227 of the Constitution of India for issuance of a writ, order or direction in the nature of mandamus directing the official respondents to decide the complaint dated 13.12.2022 (Annexure P-4) and legal notice dated 11.01.2023 (Annexure P-6) on the ground that original property ID no.P03700050092 of the petitioner has been changed without hearing the present petitioner.

Learned counsel for the petitioner has submitted that for the grievance made out, the present petitioner has given a legal notice dated 11.01.2023 to the respondents including the Commissioner, Municipal Corporation, Panipat-respondent no.4 and in the said legal notice, he has stated that the petitioner is the owner in possession of the plot measuring 1600 square yards and was assigned the property ID no.P03700050092 and was also receiving bills and the same has been transferred in favour of

respondent no.5 and a new property ID no.1GD5UWU4 has been created and has been transferred regarding the same property to respondent no.5. It is further submitted that the same has been done without hearing the present petitioner and in the said legal notice, reference has been made to Section 97 of the Haryana Municipal Corporation Act, 1994 as per which before making any change, the Commissioner is required to give hearing to the affected party. Learned counsel for the petitioner has stated that he would be satisfied in case respondent no.4 is directed to look into the legal notice dated 11.01.2023 and after giving due opportunity to all the concerned party, to decide the same, in accordance with law, in a time bound manner.

Learned counsel for respondent no.4 has submitted that he has no objection to the said course of action.

Keeping in view the above said facts and circumstances, the present petition is disposed of with a direction to respondent no.4 to look into the legal notice dated 11.01.2023 and decide the same, after giving due opportunity of hearing to the petitioner as well as respondents no.5 and 6, in accordance with law, within a period of two months from the date of receipt of certified copy of the present order.

It is made clear that this Court has not opined on the merits of the case and respondent no.4 would decide the same independently on its merit, in accordance with law.

(VIKAS BAHL)
JUDGE

February 22, 2023

Davinder Kumar

Whether speaking / reasoned
Whether reportable

Yes/No
Yes/No