

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CWP-4230-2023

Date of decision : 01.03.2023

Kanta

... Petitioner

Versus

State of Haryana and others

... Respondents

CORAM: HON'BLE MR.JUSTICE VIKAS BAHL

Present: Mr.Diwan S.Adlakha, Advocate
for the petitioner.

VIKAS BAHL, J.(ORAL)

This is a civil writ petition filed under Articles 226/227 of the Constitution of India for issuance of an appropriate order, directions or writ especially in the nature of mandamus directing the official respondents to get the encroachment as well as unauthorized possession / construction raised by respondents no.5 to 17 over the public land / property situated at village Saidpura, District Karnal, removed.

Learned counsel for the petitioner has submitted that for the grievances raised in the present petition, the petitioner has given a detailed legal notice dated 12.10.2022 to the respondents including respondent no.3, the Commissioner, Municipal Corporation, Karnal and has submitted that he would be satisfied in case respondent no.3 considers the said legal notice and takes appropriate action, in accordance with law. It is further submitted that in the said legal notice, certain averments have also been made with

petitioner does not press the said averments made in the legal notice and has confined his case to the prayer made in the legal notice with respect to the illegal encroachment. Learned counsel for the petitioner has further referred to Section 408 and 408-A of the Haryana Municipal Corporation Act, 1994 to show that it is the Municipal Corporation which has to remove the said illegal encroachment.

Keeping in view the above said facts and circumstances, the present petition is disposed of with a direction to respondent no.3 to consider the legal notice dated 12.10.2022, in accordance with law and also to take appropriate action therefrom after following due procedure of law as expeditiously as possible.

In case respondent no.3 is of the opinion that the plea raised by the petitioner is not meritorious, then the same be rejected by passing a speaking order within a period of six weeks from the date of receipt of the 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.3 would consider the said legal notice independently, in accordance with law.

(VIKAS BAHL)
JUDGE

March 01, 2023
Davinder Kumar

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