

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CWP-4906-2023

Date of decision : 14.03.2023

Radha Charan Sharma

... Petitioner

Versus

State of Haryana and others

... Respondents

CORAM: HON'BLE MR.JUSTICE VIKAS BAHL

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

Ms.Upasana Dhawan, AAG, Haryana for respondents no.1 & 3.

VIKAS BAHL, J.(ORAL)

This is a civil writ petition under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of mandamus directing the respondents to fix the problem of year long water logging on the road running from Palla to Tilpat, Tehsil and District Faridabad and for directing the respondents to decide the legal notice dated 09.02.2023 in a time bound manner.

Learned counsel for the petitioner has submitted that for the grievances raised by the petitioner in the present petition, a detailed legal notice dated 09.02.2023 has been given to the respondents including respondent no.2-Commissioner, Municipal Corporation, Faridabad and in the said legal notice, details have been given with respect to the water logging in the street in question and reference has also been made to Sections 216, 268 and 175 of the Haryana Municipal Corporation Act, 1994 to show that it is the duty of the Commissioner / Municipal Corporation to maintain and control the public streets and also to get the same cleaned etc.

Learned counsel for the petitioner has submitted that he would

be satisfied at this stage in case respondent no.2 is directed to look into the legal notice dated 09.02.2023 and take appropriate action as expeditiously as possible and in any case within a period of three months from the date of the receipt of the certified copy of the present order. It is further prayed that the petitioner be given a personal hearing before passing of any order on the legal notice dated 09.02.2023.

Keeping in view the above said facts and circumstances and the prayer made by the learned counsel for the petitioner, the present petition is disposed of with the following directions:-

- i) Respondent no.2 would look into the legal notice dated 09.02.2023 and in case respondent no.2 finds merit in the same, then appropriate action shall be taken, in accordance with law, preferably within a period of three months from the date of receipt of the certified copy of the present order.
- ii) In case, respondent no.2 is of the opinion that the legal notice of the petitioner does not have any merit, then, a speaking order regarding the same be passed within a period of two months from the date of receipt of the certified copy of the present order. Before passing of the said order, personal hearing be granted to the petitioner.

It is made clear that this Court has not opined on the merits of the case and respondent no.2 would decide the legal notice independently, in accordance with law.

(VIKAS BAHL)
JUDGE

March 14, 2023

Davinder Kumar

DAVINDER KUMAR
2023.03.16 16:22
I attest to the accuracy and
authenticity of this document

Whether speaking / reasoned
Whether reportable

Yes/No
Yes/No