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

CWP-8209-2023

Date of decision : 21.04.2023

Subhash Chander and another

...Petitioners

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. S.S. Sahu, Advocate for the petitioners.

Ms. Upasana Dhawan, AAG, Haryana
for respondent Nos.1 to 4.

VIKAS BAHL, J. (ORAL)

1. 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 to direct respondent No.3-Deputy Commissioner, Fatehabad to take action on the representations including representation (Annexure P-1) praying to allot/earmark land for disposing of dead bodies of animals as the land which was allotted and earmarked earlier for dead animals, thereupon a Nandi Shala (Gau Shala) has been established and no land has been allotted in lieu of the said land and there is no space available where the dead bodies of animals of City Ratia can be disposed of.

2. Learned counsel for the petitioners has submitted that in view

of Sections 152 and 171 of the Haryana Municipal Act, 1973, the Municipal Committee is to demarcate the place for disposal of the dead bodies of the animals, in case, place is to be fixed within the area of Municipal Committee or in case, the area is to be fixed beyond the limit of municipality then with the permission of Deputy Commissioner. It is further submitted that the petitioners have given representation dated 01.12.2022 (Annexure P-1) to the Municipal Committee and also representation dated 20.12.2022 (Annexure P-2) to the Deputy Commissioner.

3. Learned counsel for the petitioners has further submitted that at this stage, the petitioners would be satisfied in case, respondent No.5 is directed to consider the representation dated 01.12.2022 (Annexure P-1) in accordance with law and in case, respondent No.5 finds merit in the said representation then appropriate action be taken in accordance with law. It is further submitted that in case, respondent No.5 is of the opinion that dead bodies are to be disposed of beyond the limit of municipality then in that situation, necessary approval from the Deputy Commissioner is also to be sought.

4. Learned State Counsel has submitted that there would be no objection in case, the present writ petition is disposed of with directions for consideration of representation (Annexure P-1).

5. Keeping in view the abovesaid facts and circumstances, the present Civil Writ Petition is disposed of with directions to respondent No.5 to consider the representation dated 01.12.2022 (Annexure P-1) in accordance with law as expeditiously as possible, preferably within a period of two months from the date of receipt of certified copy of the present order

and in case, respondent No.5 comes to the conclusion that there is merit in the plea raised by the petitioners then necessary action be also taken in accordance with law as expeditiously as possible. Further, in case, respondent No.5 is of the opinion that the place for disposal of dead bodies of animals is to be allotted beyond the limit of municipality then necessary permission from the Deputy Commissioner be also sought, in accordance with law.

6. This Court has not opined on the merits of the case and respondent No.5 would consider the representation independently and in accordance with law.

21.04.2023*Pawan***(VIKAS BAHL)
JUDGE****Whether speaking/reasoned:-****Yes/No****Whether reportable:-****Yes/No**