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

CWP-8799-2023

Date of decision : 27.04.2023

Jasminder Pal Singh

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Prince Goyal, Advocate for the petitioner.

Mr. Ferry Sofat, Addl. A.G. Punjab
for respondent Nos.1 to 3.

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, order or direction especially in the nature of mandamus directing the respondents especially respondent No.3 to perform its obligatory duties as per the Punjab Municipal Corporation Act, 1976 and to restore the park No.8 situated at Sector 79, SAS Nagar to its original position as per the sanctioned layout plan (Annexure P-4).

2. Learned counsel for the petitioner has submitted that for the grievances raised in the present writ petition, the petitioner has given a detailed legal notice dated 21.04.2023 (Annexure P-6) to the Commissioner, Municipal Corporation, SAS Nagar (Mohali), and as per the provision of Section 44(q) of the Punjab Municipal Corporation Act, 1976, laying out or maintenance of public parks, gardens or recreation grounds is the duty of

the Corporation. It is further submitted that the petitioner has made two prayers in the said legal notice, one being for restoration of the park and the other for taking action against the private respondents. It is contended that the petitioner would only press his prayer for restoration of the park in his legal notice dated 21.04.2023 (Annexure P-6). It is further contended that the petitioner would be satisfied in case, respondent No.3-Commissioner, Municipal Corporation, SAS Nagar (Mohali) looks into legal notice dated 21.04.2023 (Annexure P-6) on the aspect of restoration of park as per the lay out plan and after considering the same, take appropriate action, in accordance with law, as expeditiously as possible.

3. Keeping in view the abovesaid facts and circumstances and the prayer made by the petitioner, the present Civil Writ Petition is disposed of with direction to respondent No.3-Commissioner, Municipal Corporation, SAS Nagar (Mohali) to look into legal notice dated 21.04.2023 (Annexure P-6) on the aspect of restoration of park No.8, situated in Sector-79, SAS Nagar (Mohali) and in case, respondent No.3-Commissioner, Municipal Corporation, SAS Nagar (Mohali) finds merit in the plea raised by the petitioner then appropriate action, in accordance with law, be taken as expeditiously as possible. In case, the plea raised by the petitioner is not found to be meritorious then a speaking order regarding the same be passed within a period of two months from the date of receipt of certified copy of the present order.

27.04.2023*Pawan***(VIKAS BAHL)
JUDGE****Whether speaking/reasoned:-****Yes/No****Whether reportable:-****Yes/No**