

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(119)

CWP-10820-2023

Date of decision: - 18.05.2023

Gurkirat Singh

....Petitioner

Versus

State of Haryana and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Ms. Amarjot Kaur, Advocate,
for the petitioner.

Ms. Rajni Gupta, Additional Advocate General, Haryana
for respondents No.1 to 3.

VIKAS BAHL, J. (ORAL)

1. This writ petition has been filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of mandamus directing respondents No.2 and 3 to take action on the notice dated 17.09.2018 (Annexure P-6) issued by respondents No.2 and 3 to respondent No.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 representation dated 03.06.2021 (Annexure P-8) to the Municipal Commissioner, Municipal Corporation, Karnal, in which, it has been stated that the construction of shop which has been raised by respondent No.4 is without the consent of any authority and is in violation of law and has further submitted that the petitioner would be satisfied in case

respondent No.3 is directed to look into the representation dated 03.06.2021 (Annexure P-8) within a time bound manner and in case respondent No.2 is of the opinion that action is required to be taken against private respondents, then, the same be taken in accordance with law.

3. Learned State counsel appearing on behalf of respondents No.1 to 3 has submitted that respondent No.2 would consider the said representation dated 03.06.2021 (Annexure P-8) in accordance with law within a period of one month from the date of receipt of certified copy of the present order and in case the pleas raised by the petitioner are found to be meritorious, then, the appropriate action in accordance with law would be taken against the private respondents after giving due opportunity of hearing to all concerned parties.

4. Keeping in view the above-said facts and circumstances, the present writ petition is disposed of with a direction to respondent No.2 to consider the representation dated 03.06.2021 (Annexure P-8), within a period of one month from the date of receipt of certified copy of this order and in case, respondent No.2 is of the opinion that the pleas raised by the petitioner are meritorious, then, the appropriate action against respondent No.4 or any other persons be taken after following due principles of law and after giving opportunity of hearing to respondent No.4 or any other person against whom action is proposed to be taken. In case, respondent No.2 is of the opinion that the pleas raised by the petitioner are meritless, then, a speaking order rejecting the claim of the petitioner be passed within a period of six weeks from the date of receipt of certified copy of

the present order.

5. It is made clear that this Court has not opined on the merits of the case and respondent No.2 would consider and decide the matter independently, in accordance with law.

May 18, 2023
naresh.k

(VIKAS BAHL)
JUDGE

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