

132 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No.11432 of 2023 (O&M)

Date of Decision: 25.05.2023

Mukesh Kumar

..... Petitioner

V/s.

State of Haryana and Another

.....Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH
HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Yogesh Vashista, Advocate for
Mr. Pankaj Nanhera, Advocate for the petitioner.

Augustine George Masih, J. (Oral)

The petitioner has come forth with a grievance that claim of the petitioner with respect to transfer of shops i.e. shop No.19 (Old shop No.32) and shop no.22, has not been considered by the respondent(s). It has been stated that shop No.22 was obtained by the petitioner after a mutual family settlement from his elder brother namely Madan Lal and shop no.19 (old No.32), the petitioner had obtained it from one Bir Singh and since then, he has been in possession of the same and has also been paying rent to the Municipal Committee, Punhana. Learned counsel contends that as per the policy of the Government of Haryana as relatable to the Municipal Council/ Committee dated 01.06.2021 (Annexure P-5), the petitioner being in possession of the said shops for more than 20 years would be eligible for the purchase of the said shops and therefore becomes the owner of the said shops, leading to its transfer in favour of the petitioner.

Since, the petitioner was entitled to the benefit of the policy dated 01.06.2021 (Annexure P-5), he had approached the Secretary, Municipal Committee, Punhana, District Nuh by way of representation dated 10.04.2023

(Annexure P-6). The said representation till date has not been considered nor a decision taken thereon.

Learned counsel for the petitioner contends that the petitioner at this stage, would be satisfied if a direction is issued to the Secretary as well as the Commissioner of the Municipal Committee, Punhana, to consider the claim of the petitioner as projected in the representation dated 10.04.2023 (Annexure P-6) within some specified time.

Mr. Deepak Bhardwaj, DAG, Haryana accepts notice on behalf of respondent No.1 and Mr. Aman Bahri, Additional Advocate General, Haryana, who is present in Court has been called upon to accept notice on behalf of the respondent No.2.

Learned counsel for the petitioner undertakes to supply two copies of the writ petition to the learned counsel opposite, during the course of the day.

Without going into the merits of the case and commenting thereon, the present petition is disposed of with a direction to the Commissioner, Municipal Committee, Punhana, District Nuh to consider and decide the representation of the petitioner dated 10.04.2023 (Annexure P-6), in the light of the policy dated 01.06.2021 (Annexure P-5) within a period of eight weeks from the date of receipt of certified copy of the order. A speaking order be passed and conveyed to the petitioner forthwith. In case the claim of the petitioner is accepted, consequential benefits be conferred upon the petitioner within a further period of four weeks.

(Augustine George Masih)
JUDGE

25th May, 2023

Sonia Puri

(Harpreet Singh Brar)
JUDGE

SONIA PURI
2023.05.26 11:12
I attest to the accuracy and
integrity of this order/judgment

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