

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-12129-2023 (O&M)

Date of decision: 16.11.2023

Meena Sharma

....Petitioner

Versus

State of Haryana and others

....Respondents

**CORAM: HON'BLE MR. JUSTICE ARUN PALLI
HON'BLE MR. JUSTICE VIKRAM AGGARWAL**

**Present: Mr. Vineet Sehgal, Advocate,
for the petitioner.**

ARUN PALLI, J. (Oral)

CM-19337-CWP-2023

Application is allowed, as prayed for.

The documents (Annexures P-5 and P-6) are taken on record.

CWP-12129-2023

The petitioner herein has prayed for the following substantive relief:-

“Civil Writ Petition under Article 226/227 of Constitution of India for issuance of a writ especially in nature of Mandamus issuing necessary and appropriate directions to respondent No.2 for removal of the illegal set up of Kisan Mandi/Bazar upon the common platform located in front of the shops of the petitioner and other similar situated allottees of New Grain Market/New Vegetable Market, Sector-20, Panchkula which forms part of the area of the shop allotted to the petitioner similar situated allottees and is required by them to carry out their daily business activities in a smooth manner,

AND

Further for issuance of an appropriate writ order or direction in mandamus directing the respondents to decide the representation dated 04.07.2022 (Annexure P-4) in timebound manner and after according an opportunity of hearing to the petitioner”

Learned counsel for the petitioner submits that the authorities have erroneously set up a mandi/bazaar upon the common platform located in front of the shops of the petitioner and other shopkeepers/allottees of new grain market/vegetable market, Sector-20, Panchkula, which is causing hindrance in their routine business activities. So much so, their right to ingress and egress is severely impaired. He asserts that consideration for which the shops were allotted to the petitioner and alike included the price of front common area built by the Board, which has now been illegally usurped/sub-let to the daily wagers, where mandi is being run. So much so, even the representation dated 04.07.2022 (P-4), the authorities were served with, has failed to evoke any response.

Served with the advance copy of the petition, Mr. Aman Bahri, Advocate, on behalf of respondents No.2 and 3, is present in Court. He submits that since the competent authority is in seisin of the representation submitted by the petitioner, it would be expedient if the petition at hand is disposed of, at this stage, to enable it to deal with the concerns/grievances of the petitioner. And, pass appropriate orders, in accordance with law. He further submits that before such orders are passed, the petitioner, as also the other stakeholders, would be afforded an opportunity of hearing.

Learned counsel for the petitioner is agreeable to the course suggested by learned counsel for respondents No.2 and 3, and submits that let the petition be disposed of, in terms of the statement made by him. However, it is urged that the authorities be directed to do the needful within a specified time.

In response, learned counsel for respondents No.2 and 3 submits that the necessary orders, in accordance with law, shall be passed within a period of four months from today.

The petition is accordingly disposed of, in terms of the statements made by learned counsel for the parties.

This Court is sanguine that the authorities shall look into the matter in the right earnest. And, appropriate orders, in accordance with law, shall be passed within the time indicated by the learned counsel for the respondents.

Needless to assert that this order shall not constitute an expression of opinion on the merits of the case of either party, for, as indicated above, the competent authority shall examine the grievances of the petitioner, strictly in accordance with law.

(ARUN PALLI)
JUDGE

(VIKRAM AGGARWAL)
JUDGE

16.11.2023
Ak Sharma

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