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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-18663-2023

Date of Decision: August 24, 2023

Sugan Chand

.....Petitioner

Versus

Union of India and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE RAJESH BHARDWAJ

Present: Mr.M.K.Garg, Advocate
for the petitioner.

.....

RAJESH BHARDWAJ, J.(ORAL)

Petitioner has approached this Court praying for issuance of necessary directions to respondents No.3 and 4 to carry out the construction work of the boundary wall of the Uchana Station yard by adhering to the land plan approved and sanctioned on 01.08.1935, Annexure P-1, as well as per the site plan of Encroachment, Annexure P-5, sent to the petitioner alongwith notice for Court case dated 24.03.2022, Annexure P-4.

It has been contended by counsel for the petitioner that after having filed this petition before this Court, the petitioner was issued notice, dated 21.08.2023 by respondent No.3. He submits that by the time this notice was received, this petition was already filed and hence the same could not be annexed with this petition. He submits that as per Notice, the petitioner has been directed to remove encroachment by 23.08.2023. He submits that petitioner had already approached respondent No.3 and has given undertaking that he would remove the encroachment by 26.08.2023

and prays that till then no coercive action be taken against him. He submits

that this petition be disposed of with a direction to respondent No.3 not to take any coercive action till 26.08.2023 as undertaking has already been given by the petitioner to respondent No.3.

Notice of motion to official respondents only at this stage.

On asking of the Court, Mr.Rajiv Sharma, standing counsel for Union of India, who is present in Court, accepts notice on behalf of the respondents/State.

After hearing counsel for the parties and going through the facts and circumstances of the case, it is apparent that though the notice issued on 21.08.2023 is not annexed with the petition, however, counsel for the petitioner fairly submits that he has given undertaking to respondent No.3, as submitted above.

Hence, the present petition is disposed of with a direction to respondent No.3 to honour the undertaking given by the petitioner and not to take any coercive action against him till 26.08.2023, the date when he would appear before it and deal with the same in accordance with law.

However, petitioner would be at liberty to avail his remedy in accordance with law.

A copy of this order be given under the signatures of the Bench Secretary of this Court.

August 24, 2023
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**(RAJESH BHARDWAJ)
JUDGE**

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| 1. | Whether speaking/reasoned ? | Yes/No |
| 2. | Whether reportable ? | Yes/No |