

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

CWP-26502-2023

Date of decision : 28.11.2023

Spangle Heights Apartments Owners AssociationPetitioner

versus

**The Office of Municipal Commissioner, Zirakpur and others
..... Respondents**

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Vishal Sharma, Advocate
for the petitioner.

RAJESH BHARDWAJ, J. (Oral)

Prayer in the present petition is for issuance of direction to respondent No.1 to decide the representation dated 11.10.2023 (Annexure P-2) in a time bound manner by passing necessary directions to respondent No.3 for urgent maintenance and repair of the road as it is also the duty of respondent No.1 under the supervision of respondent No.2 by using funds allocated for Development of Infrastructure under Punjab Infrastructure Funds Act, 2011 by using the powers under Section 171 of Punjab Municipal Corporation Act to repair and maintain said road and to secure the fundamental rights conferred to petitioner under Article 21 which says right to proper road held by Hon'ble Division Bench in the matter titled Gram Panchayat Badailiyan Vs. Financial Commissioner to Government of Punjab, 2023 SCC ONLINE P&H 474 decided on 08.05.2023 which is annexed as Annexure P-3 that says right to road is a part of constitutional right of life of every citizen and considering the

aspects that the said residents for the society and habitant living in near society in other societies like i.e. new generation society, new generation extension, hermitage all have constitutional right to have a proper road for ingress egress as they are duly tax payer of all cess/taxes to the State for the development and welfare and not deciding the representation dated 11.10.2023 till date by passing necessary directions to the authorities for the urgent repair and maintenance of the said road evident in Annexure P-4.

Learned counsel for the petitioner submits that for the redressal of his grievance, petitioner has filed representation dated 11.10.2023 (Annexure P-2) before respondent No.1-The Office of Municipal Commissioner, Zirakpur but the same has not been taken into consideration by the said respondent till date.

Notice of motion.

On asking of the Court, Ms. Akshita Chauhan, DAG, Punjab accepts notice on behalf of the respondents-State.

After hearing counsel for the parties and perusing the record, respondent No.1 i.e. Secretary, Office of Municipal Commissioner, Zirakpur is directed to decide the representation dated 11.10.2023 (Annexure P-2) filed by the petitioner expeditiously preferably within four weeks from today in accordance with law.

In view of the above, present petition is disposed of.

28.11.2023
m. sharma

(RAJESH BHARDWAJ)
JUDGE

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