

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

C.W.P. No. 786-2024
Date of decision: 15.01.2024

Arvind Kumar and another
Vs.
Haryana Shehri Vikas Pradhikaran and another

.... Petitioners
.... Respondents

CORAM: HON’BLE MR. JUSTICE ARUN PALLI
HON’BLE MR. JUSTICE VIKRAM AGGARWAL

Present: Ms. Amrita Nagpal, Advocate,
for the petitioners.
Mr. Arvind Seth, Advocate,
for the respondents-HSVP.

ARUN PALLI, J (Oral)

The petitioners herein have prayed for the following substantive relief:

“Civil Writ Petition under Articles 226 and 227 of the Constitution of India praying for an appropriate writ, order or direction especially a writ in the nature of mandamus directing the respondents to decide the representations dated 03.10.2023 and 17.10.2023 (Annexure P-5 and P-6) and legal notice dated 29.11.2023 (Annexure P-7) filed by the petitioners for allotment of incidental open space in pursuance to the policy decision dated 14.02.2019 (Annexure P-4) in the interest of justice, equity and fair play;

AND

Issue writ in the nature of mandamus directing the respondents to allot the incidental open space abutting their plots in pursuance to policy decision dated 14.02.2019 (Annexure P-4).”

At the outset, learned counsel for the petitioners submits that prior to the institution of this petition, the respondents were even served with representations dated 03.10.2023 (P-5) and 17.10.2023 (P-6), but to no avail. So much so, even the legal notice dated 29.11.2023 (P-7), served upon the respondents, has failed to evoke any response.

Served with an advance copy of the petition, Mr. Arvind Seth, Advocate, for respondents is present in Court. He submits that since the competent authority is already in seisin of the representations submitted by the petitioners, it would be expedient if this petition is disposed of, to enable the competent authorities, to deal with the concerns/grievances of the petitioners and pass appropriate orders in accordance with law. He further submits that necessary orders shall be passed within three months from today after affording an opportunity of hearing to the petitioners.

Learned counsel for petitioners is agreeable to the course suggested by the learned counsel for respondents and submits that let this petition be disposed of in view of the statement made by him.

In the wake of the position sketched out above, this petition is accordingly disposed of in terms of the statement made by learned counsel for the parties.

This Court is sanguine that the authorities shall consider/examine the matter in issue, and pass appropriate orders, in accordance with law, within the time indicated by learned counsel for the respondents, assigning reasons in support thereof.

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 earlier, the competent authority shall examine the grievances of the petitioner, strictly in accordance with law.

(ARUN PALLI)
JUDGE

(VIKRAM AGGARWAL)
JUDGE

15.01.2024
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Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No