

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-1782-2024

Date of decision: 29.01.2024

Pardeep Jain and another
Versus
State of Haryana and others

....Petitioners
....Respondents

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

Present: Mr. Sanchit Punia, Advocate,
for the petitioners.

ARUN PALLI, J. (Oral)

The petitioners herein have prayed for the following
substantive relief:-

*“Petition under Articles 226/227 of the
Constitution of India for the issuance of an appropriate
writ, order or direction, especially a writ in the nature of
mandamus directing the respondents to remove
unauthorized and illegal encroachment situated in
Inderprasth Colony right behind the House of petitioners
as highlighted in Site Plan (annexure P-1) on land owned
by respondent-Haryana Shahari Vikas Pradhikaran, on
the ground of nuisance, mischief, hazardous and illegal
activity carried out by the encroachers, in the interest of
justice.*

*Further a writ in the nature of mandamus directing
the respondents to decide representations dated
24.11.2023 (Annexure P-6) in accordance with law, in the
interest of justice.”*

Learned counsel for the petitioners submits that prior to the
institution of this petition, the petitioners had even served the respondent
authorities with a representation dated 24.11.2023 (P-6). However, a
considerable time has elapsed since then, but the matter has not made any

tangible progress. Thus, it is urged that interest/rights of the petitioners continue to suffer.

Served with the advance copy of the petition, Mr. Ankur Mittal, Advocate for the respondents, along with Ms. Kushaldeep Kaur, Advocate, is present in Court. At the outset, he submits that as the competent authority is in seisin of the concerns/grievances of the petitioners, as sought to be raised in the petition, let it be disposed of, at this stage, to enable the respondent authorities to consider and decide the representation of the petitioners (*ibid*), and pass necessary orders, in accordance with law. Further, he submits that the petitioners, if so required, shall be heard, before any such orders are passed.

Learned counsel for the petitioners is in agreement with the course suggested by the learned counsel for the respondents, and submits that let this 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 the respondents submits that appropriate orders shall be passed within a period of four weeks 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 the appropriate orders shall be passed within the time indicated by the learned counsel for the respondents.

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

(ARUN PALLI)
JUDGE

(VIKRAM AGGARWAL)
JUDGE

29.01.2024
Ak Sharma

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

