



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

C.W.P. No. 13385 of 2024

Date of decision: 30.05.2024

Kuldip Rai

.... Petitioner

Vs.

State of Punjab and others

.... Respondents

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

Present: Mr. Jagdeep Singh, Advocate, for the petitioner.

ARUN PALLI, J (Oral)

A mandamus is prayed for to command respondents No.1 to 3 in turn, to direct respondents No.4 and 5 to correct the plinth level of the additional area of Market Committee, New Grain Market, Balachaur as per standard rules and regulations of the Punjab New Mandi Township Act, 1960.

Learned counsel for the petitioner submits that the petitioner is an allottee of SCF No. 27-AA, New Grain Market, Balachaur. He submits that respondents No.6 and 7, namely Ram Pal and Shakuntla Devi, along with other allottees, have illegally raised the height of the open area by 3 feet, leading to flow sewerage and rain water to the petitioner's premises. Therefore, he submits that the ground floor of the premises of the petitioner is virtually rendered un-useable. He submits that prior to the institution of the petition, the petitioner had even repeatedly represented to the respondent authorities but to no avail. Thus, this petition.

Served with the advance copy of the petition, Mr. Vipin Pal Yadav, Additional Advocate General, Punjab, is present in Court on behalf of respondents No.1 to 5. At the outset, he submits that let this petition be disposed of, at this stage, to enable the competent authority to take cognizance of the concerns/grievances of the petitioner, as sought to be raised in the petition, in the first instance. Further, he submits that appropriate orders, in accordance with law, shall be passed at the earliest after affording opportunity of hearing to the petitioner as also the other stake



holders. And a formal communication in this regard will be served upon them, well in advance.

That being so, learned counsel for the petitioner submits that let the petition be disposed of in terms of the statement made by learned State counsel.

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

This Court is sanguine that the authority shall consider/examine the matter in the right earnest, and pass appropriate orders, 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

30.05.2024
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Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No