

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-8566-2024 (O&M)
Date of decision: 24.04.2024

Vivek and others ... Petitioners

Versus

Haryana Shehri Vikas Pradhikaran and others ... Respondents

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

Present: Mr. R.N. Lohan, Advocate,
for the petitioners.

Mr. Deepak Sabherwal, Advocate,
for the respondent(s)-HSVP.

ARUN PALLI, J. (Oral)

The petitioners have prayed for the following substantive relief:

“Civil Writ Petition under Article 226/227 of the constitution of India for issuance of a writ in the nature of certiorari quashing the order dated 01.08.2023 (P-8) passed by the respondent No.3 and for issuance of a writ in the nature of mandamus restraining the respondent from creating any hinderance on the road situated between the Vijay Nagar and Sector-11 extension Urban Estate, Jind and for issuance of any other appropriate writ order or direction which this Hon’ble Court may deem fit in the peculiar facts and circumstances of the present case.”

Learned counsel for the petitioners submits that earlier, Rajender Singh (respondent No.5) had approached this Court vide CWP-24479-2022, with a prayer to direct the respondent authorities to stop the illegal

entries/passages in Sector-11 (extension), Jind. And also requiring them to decide the representations they were served with. The said petition was dismissed as withdrawn by the Coordinate Bench on 21.10.2022, requiring the authorities to decide the representations. Whereafter, Rajender Singh even filed COCP-983-2023. But, as during the pendency of the said petition, the authorities, in compliance to the order dated 21.10.2022 (*ibid*), had passed a speaking order dated 01.08.2023, vide order dated 03.08.2023, the contempt petition was disposed of, as having been rendered infructuous. However, he asserts that respondent No.5 filed yet another petition (CWP-1323-2024), as despite order dated 01.08.2023, nothing was being done at site. He submits that since the stand set out by the official respondents before this Court in the said proceedings was that to close the passages/entries, tenders had been invited and the work stood assigned to A-One Coop L&C Society Limited, vide order dated 29.01.2024, the petition was disposed of, in terms of the statements of the learned counsel for the parties. It is submitted that petitioners are the residents of Vijay Nagar Colony, Jind, and are apparently affected by the impugned order dated 01.08.2023, passed by respondent No.3. Further, not only they were not arrayed as party in the earlier petitions filed by respondent No.5, but were also not heard by respondent No.3 before passing the impugned order (*ibid*). Particularly, when the inhabitants of HSVP Sectors and even Vijay Nagar Colony have been using the said passage/entry for the past more than 30 years.

Served with the advance copy of the petition, Mr. Deepak Sabherwal, Advocate, is present in Court on behalf of the respondent-HSVP. At the outset, he, on instructions, submits that the Deputy Commissioner, Jind, is the competent authority to examine the matter in issue. And the Estate Officer, HSVP, Jind, shall soon forward the matter to the competent authority, who, in turn, would constitute a committee, that would examine the concerns/grievances of the petitioners as also respondent No.5 and other stakeholders. And a formal communication, in this regard, shall be issued to all concerned, well in advance. Further, the parties shall also be at liberty to furnish any material to support/substantiate their respective claims.

Whereafter, appropriate orders, in accordance with law, shall be passed, as expeditiously as possible.

Learned counsel for the petitioners is agreeable to the course suggested by learned counsel for the respondent-HSVP. He submits that as and when the petitioners receive any such communication, as indicated by learned counsel for the respondent-HSVP, they shall appear before the competent authority (Deputy Commissioner, Jind) and render full cooperation to facilitate the process, so that the matter can be conclusively examined and decided. Accordingly, he submits that let this petition be disposed of, in terms of the statement made by learned counsel for the respondent-HSVP.

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

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, as also the other stakeholders, strictly in accordance with law.

We consider it expedient to clarify further that even in the earlier two petitions (*ibid*), filed by respondent No.5, this Court did not determine the dispute on merits. For, CWP-24479-2022 was dismissed as withdrawn, requiring the authorities to decide the representations submitted by respondent No.5. Likewise, CWP-1323-2024 was disposed of, in terms of the statements made by learned counsel for the parties.

(Arun Palli)
Judge

(Vikram Aggarwal)
Judge

24.04.2024
Rajan/AK Sharma

Whether speaking / reasoned:
Whether Reportable:

YES/NO
YES/NO