



CWP-16119-2024

-1-

121

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

CWP-16119-2024

Date of Decision: 16.07.2024

Kamal Kaushik

....Petitioner

Versus

State of Haryana and others

....Respondents

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present : Mr. R.S. Sangwan, Advocate
for the petitioner.

HARSH BUNGER, J. (Oral)

1. The present petition has been filed under Articles 226/227 of the Constitution of India seeking issuance of writ in the nature of mandamus for directing respondents No.1 to 4 to take action against respondent No.6 to remove the encroachment from the path No.556 of Village Pota.

2. At the outset, learned counsel for the petitioner submits that the petitioner is aggrieved against the action of respondent No.6 in encroaching upon the *rasta* (public passage). It is submitted that with regard to the unauthorized possession of the public passage by respondent No.6, the petitioner has already got served a legal notice dated 07.06.2024 (Annexure P-8) upon respondent No.2-Deputy Commissioner, Mahendergarh. It is further submitted that the petitioner would be satisfied, if appropriate directions may be issued to respondent No.2-Deputy

**CWP-16119-2024****-2-**

Commissioner, Mahendergarh to look into the allegations of unauthorized possession of public passage by respondent No.6 and to take appropriate action regarding the same.

3. Ms. Upasana Dhawan, AAG, Haryana, who has appeared on behalf of respondent/State in this case, pursuant to the advance copy of petition having been sent to her, submits that in case, legal notice dated 07.06.2024 (Annexure P-8) has been received in the Office of Deputy Commissioner, Mahendergarh, then the allegation of the petitioner that respondent No.6 has encroached upon the public passage, shall be considered and an appropriate action, if required, would be taken in accordance with law, within a period of two months from the date of receipt/production of certified copy of this order.

4. In view of the statement made by learned State counsel, the petition is disposed of, accordingly.

5. All pending application(s), if any, shall also stand closed.

16.07.2024*Himani***(HARSH BUNGER)
JUDGE**

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No