

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(231)

CWP-8604-2015
Date of Decision: 18.03.2024

Hari Mittar SondhiPetitioner

Versus

State of Punjab and othersRespondents

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Rajesh Punj, Advocate, and
Mr. Sahaj Punj, Advocate, for the petitioner.

Mr. Rajeev K. Takkar, DAG, Punjab.

Mr. Aman Kumar, Advocate, for
Mr. Piyush Sharma, Advocate, for the respondent No.3.

Mr. Devesh Gupta, Advocate, for
Mr. Rahul Arora, Advocate, for respondent No.4.

Mr. Ramesh Sharma, Advocate, for respondent No.5.

RAJESH BHARDWAJ, J.(ORAL)

1. Prayer in the instant writ petition filed under Article 226/227 of the Constitution of India is for issuance of a writ in the nature of Mandamus directing the respondents No.1 to 3 to initiate the appropriate legal proceedings against the private respondents for vacating the land of the Nagar Council, Nakodar which is under the illegal occupation of the respondent No.4 and further taking the action against respondent No.5 who is Municipal Councilor and also Trustee of the above mentioned respondent No.4 Charitable Trust under the provisions of the Punjab Municipal Act, 1911.
2. In response to the reply filed on behalf of respondent No.2, learned counsel for the petitioner submits that in the case in hand as alleged by

the petitioner, the property which belongs to the Municipal Council, Nakodar, is in illegal and unauthorized possession of respondent No.4-Trust and therefore, as per the provisions of Punjab Municipal Act, 1911, the Executive Officer empowered to initiate appropriate legal action to remove any unauthorized encroachment on municipal land. It is further submitted in the reply that the petitioner had not filed any representation before the Joint Director and thus, the action could not be taken up. Though the counsel for the petitioner has submitted that the writ is pending since long and that in itself is good enough to take action on the writ petition filed.

3. In view of the above facts and circumstances of the present case, the present writ petition is disposed of as this Court finds it appropriate to grant the petitioner an opportunity to file a fresh consolidated representation before respondent No.2 within a period of two weeks from today. Ordered accordingly. If any such representation is filed, respondent No.2 would take necessary decision on the same expeditiously and preferably within a period of one month in accordance with law. It is being clarified that respondents No.4 and 5 would also be heard before taking the final decision.

(RAJESH BHARDWAJ)
JUDGE

18.03.2024
anil

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