



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-18318-2024(O&M)
Date of decision: 05.08.2024

Deepak Kumar
... Petitioner
Versus
State of Punjab and others
... Respondents

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

Present: Mr. A.P.S. Sidhu, Advocate, for
Mr. Surinder Garg, Advocate, for the petitioner.
Mr. Vipin Pal Yadav, Addl. AG, Punjab.

ARUN PALLI, J. (Oral)

A mandamus is prayed for, commanding respondents to remove the illegal encroachment that have been caused in front of the SCFs, allotted by the Improvement Trust, Kotkapura (respondent No.5), owing whereto a hindrance is caused to the general public as also the petitioner, and alike to carry out their respective businesses.

Learned counsel for the petitioner submits that under 3.85 Acres Development Scheme (Guru Teg Bahadur Market, Kotkapura), Shop-cum-Flat No.27 was allotted to the mother of the petitioner, namely, Darshana Rani, vide letter dated July 25, 1995 (P-1). And post her death, it was transferred in the name of the petitioner and his brother. It is submitted that as per the Scheme, a specified area in front of the SCFs is required to be left out, whereas the same has been encroached by certain persons. Which, not only hinders the access to the subject property but also causes perpetual nuisance. And, owing to an apparent inaction at the end of the respondent-authorities, the petitioner as also the others, who are equally situated and circumstanced, continue to suffer. So much so, the legal notice dated September 8, 2023 (P-4), the authorities have been served with, has failed to evoke any response.

Served with the advance copy of the petition, Mr. Vipin Pal Yadav, learned Additional Advocate General, Punjab is present in Court on behalf of the respondents. At the outset, he submits that as the competent authority is



already in *seisin* of the concerns/grievances of the petitioner, let this petition be disposed of, at this stage, to enable the respondents to deal with the legal notice September 8, 2023 (**ibid**), alleged to have been served by the petitioner. And pass appropriate orders, in accordance with law. Further, he submits that before any such order is passed, the petitioner as also the other stake-holders shall also be afforded an opportunity of hearing. For which, a formal communication will be issued well in advance.

Learned counsel for the petitioner is agreeable to the course suggested by learned State counsel. And submits, let this petition be disposed of in terms of his statement. However, he submits that as the matter is pending for a considerable time, the competent authority be directed to take a decision within a specified time.

To which, learned State counsel submits that the necessary orders, after affording an opportunity of hearing to the petitioner, shall be passed as expeditiously as possible.

In the wake of the position sketched out above, and in terms of the statements made by learned counsel for the parties, the petition stands disposed of. This Court is sanguine that the competent authority shall consider the matter in the right earnest, and pass the necessary orders.

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 petitioner, strictly in accordance with law.

(Arun Palli)
Judge

(Vikram Aggarwal)
Judge

05.08.2024
Rajan

Whether speaking / reasoned:	YES/NO
Whether Reportable:	YES/NO