



CWP-21521-2024

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

CWP-21521-2024**Date of decision: 31.08.2024**

Jai Bhushan Jha

....Petitioner

Versus

State of Punjab and others

....Respondents

**CORAM: HON'BLE MR. JUSTICE ARUN PALLI
HON'BLE MS. JUSTICE KIRTI SINGH**

Present: Mr. Mansur Ali, Advocate, and
Mr. Amarpreet Kooner, Advocate,
for the petitioner.

ARUN PALLI, J. (Oral)

A Mandamus is prayed for, to command official respondents No.2 to 4 to take appropriate measures/action, as regards the unauthorized construction that is being carried out at the behest of M/s H.P. Singh and others (respondent No.5), on sanctioned 100 and 170 feet wide road(s), per the layout plan (P-6). And also, to direct them to ensure that no further construction is carried out and the structure(s), that has already been raised, is demolished.

Learned counsel for the petitioner submits that petitioner is the owner of House No.731, 39 West, Phase III, Part 1, Sector 122, SAS Nagar, (Mohali). Further, he submits that respondent No.5, being promoter/developer/project proponent, has initiated construction works on the area that is earmarked/meant to be left, per the approved plan, for 100 square feet wide master road, right behind the plot/site of the petitioner, which is to be connected with 170 square feet wide road from Dara Studio to Sunny Enclave. He asserts that, in fact, the site is being misused by carving out plots/sites, which is an apparent violation of the approved lay out plan. It is submitted that prior to the institution of this petition, the petitioner had even served the respondent authorities with a legal notice dated 06.08.2024 (P-14), but to no avail. Thus, this petition.



Served with the advance copy of the petition, Mr. Jastej Singh, learned Deputy Advocate General, Punjab, is present in Court. At the outset, he, on instructions, submits, for the competent authority is alleged to be in seisin of the concerns/grievances of the petitioner, it would be expedient if this petition is disposed of, to enable the respondent-authority to consider and pass necessary orders on the legal notice (*ibid*), in accordance with law. Further, he submits that before any such orders are passed, the petitioner as also all other stakeholders shall be duly heard. And a formal communication, in this regard, shall also be issued to them, to set out their claims and defence, well in advance.

Learned counsel for the petitioner is in agreement with the course suggested by learned State counsel and submits that let this petition be disposed of, in terms of the statement made by him. However, it is urged that the matter being time sensitive, the authorities be directed to do the needful, within a specified time.

In response, learned State counsel submits that appropriate orders shall be passed within a period of eight weeks from today.

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.

This Court is sanguine that the authorities shall look into the matter in the right earnest. And the appropriate orders shall be passed within the time indicated by learned State counsel.

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

(KIRTI SINGH)
JUDGE

31.08.2024/Ak Sharma

Whether speaking/reasoned	Yes
Whether reportable	Yes/No