



CWP-24773-2024

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-24773-2024Date of decision: 26.09.2024

Mohinder Kumar Sharma

....Petitioner

Versus

State of Haryana and others

....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN PALLI
HON'BLE MR. JUSTICE DEEPAK GUPTA

Present: Ms. Pallavi Babbar, Advocate,
for the petitioner.

ARUN PALLI, J. (Oral)

The petitioner (Mohinder Kumar Sharma) has prayed for the
following substantive relief:

***“CIVIL WRIT PETITION under Article 226 for
issuance of writ in the nature of mandamus for directing
the respondents No.1 to 4 to further direct the respondent
No.5 to remove the illegal construction in rear courtyard.
(House No.2083, sector-4, Urban Estate Kurukshetra.)***

And/Or

***Further prayed to issue direction to respondent no.1 to 4 to
decide representation dated 11.07.2024 (Annexure P-7)
given by petitioner to respondent no.1 to 4;”***

Learned counsel for the petitioner submits that petitioner is a
resident of House No.2084, Sector-4, Housing Board Colony,
Kurukshetra. Further, she submits that respondent No.5 (Mukesh),
resides in House No.2083, which is situated right behind the house of the
petitioner. And thus, both the houses share a common boundary wall with
a width of 9 inch (4.5 inch on each side). She asserts that the private



respondent has raised/lifted the rear boundary wall and put a lanter to convert his back courtyard into a room with a window that opens towards the house of the petitioner. Accordingly, it is submitted that there is an apparent violation of the approved/sanctioned site plan, which is non-compoundable/non-sanctionable. It is urged that prior to the institution to this petition, the respondent authorities had been served with repeated representations/complaints, but to no avail. So much so, even the representation dated 11.07.2024 (P-7), the respondent authorities have been served, has failed to evoke any response. Thus this petition.

Served with the advance copy of the petition, Mr. Deepak Sabherwal, Advocate, for the respondent-HSVP, is present in Court. At the outset, he, on instructions, submits, for the competent authority is in seisin of the concerns/grievances of the petitioner, it would be expedient if the petition is disposed of, at this stage, to enable the respondent authorities to consider and pass necessary orders on his representation (*ibid*), in accordance with law. Further, he submits that before any such orders are passed, the petitioner, as also the private respondent, shall be heard, for which a formal communication shall also be issued to them, well in advance.

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

In response, learned counsel for the respondent-HSVP 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 counsel for the respondent-HSVP.



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

(DEEPAK GUPTA)
JUDGE

26.09.2024
Ak Sharma

Whether speaking/reasoned	Yes
Whether reportable	Yes/No