



CWP-25901-2024

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

CWP-25901-2024**Date of decision: 04.10.2024**

Nirvair Singh and another

....Petitioners

Versus

State of Punjab and others

....Respondents

**CORAM: HON'BLE MR. JUSTICE ARUN PALLI
HON'BLE MR. JUSTICE VIKRAM AGGARWAL**

Present: Mr. Ajay Pal Singh Rehan, Advocate,
for the petitioners.

ARUN PALLI, J. (Oral)

A Mandamus is prayed for, commanding respondents No.1 to 6, to restrain private respondents No.7 to 10 from constructing and operating their own market yards at their private properties, for making purchase and processing/cleaning etc. of agricultural produces outside the Mehatpur Grain Market.

Learned counsel for the petitioners submits that private respondents No.7 to 10 are the commission agents, but do not possess the requisite approvals/permissions from the competent authority, and even the No Objection Certificate(s), to run their business. He submits that a construction activity, which is in progress at site, is not only causing pollution, but is also a major health hazard. Accordingly, petitioners being the residents, adjacent to the private properties of respondents No. 7 to 10, are direct victims of the construction activity. It is urged that prior to the institution of this petition, the petitioners had even served the respondent authorities with representations dated 27.08.2024 (P-4 to P-8), but to no avail. Thus, this petition.

Served with the advance copy of the petition, Mr. Vipin Pal Yadav, learned Additional Advocate General, Punjab, is present in Court on behalf of respondents No. 1, 2 and 5. At the outset, he submits, for the competent authority is alleged to be in seisin of the matter, it would



rather be expedient if the petition is disposed of, at this stage, to enable the respondent authorities to deal with the concerns/grievances of the petitioners and pass necessary orders on their representations (*ibid*), in accordance with law. Further, he submits that before any such orders are passed, the petitioners, as also the other stakeholders, shall be heard, for which a formal communication shall also be issued to them, well in advance.

Learned counsel for the petitioners 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 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 six 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 petitioners, strictly in accordance with law.

(ARUN PALLI)
JUDGE

(VIKRAM AGGARWAL)
JUDGE

04.10.2024
Ak Sharma

Whether speaking/reasoned	Yes
Whether reportable	Yes/No