



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

C.W.P. No. 28757 of 2024

Date of decision: 23.10.2024

Rakesh Seth

.... Petitioner

Vs.

State of Punjab and others

.... Respondents

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

Present: Mr. Tapan Bhardwaj, Advocate for
Mr. Berjeshwar Jaswal, Advocate
for the petitioner.

ARUN PALLI, J (Oral)

The petitioner (Rakesh Seth) has prayed for the following substantive relief:

“Civil Writ Petition Under Article 226/227 of the Constitution of India for issuance of a Writ; Order Or Direction Especially in the nature of Mandamus directing the respondent No.1 to 3 to restrain the Respondent no.4 from developing an illegal Housing Project & illegal Farm House near the petitioner Factory of manufacturing of fireworks and crackers at Village Rakhchita, PO Manawala, Tehsil & District Amritsar, which is contrary to the rules and regulations set up by Government of India as well as State of Punjab, in view of the facts and circumstances of the present case.

And/Or

Further issuance of a Writ; Order or Direction especially in the Nature of Mandamus directing the respondent no.1 & 3 to not allow the respondent no.4 to develop the Housing as well as commercial project contrary to the Explosive Act 1884 & the Explosive Rules, 2008 as amended by (Amendment) Rules, 2013.

And/Or



Further in the alternative Issuance of a Writ; Order or Direction especially In the nature of Mandamus directing the respondent no.1 & 3 to decide the representation dated 08.05.2024 (Annexure P-4) given to the respondent no.2 to decide the representation in a time bound manner, in view of the facts and circumstances of the present case.”

Learned counsel for the petitioner submits that the petitioner is engaged in whole sale business of fire crackers, as per licence dated March 03, 2021, which is valid up to March 31, 2026. It is submitted that the limited grievance that the petitioner has is: Inderpal Singh Pasricha (respondent No.4) is in process of developing an illegal housing project and a farm house in the immediate vicinity of the factory of the petitioner. And, per schedule VIII of Explosive Rules, 2008, a minimum distance required between the explosive factory and a residential area is 250 meters, whereas, in the matter at hand, the housing project, that is being developed by the private respondent, is situated within 250 meters of the premises of the petitioner. He submits that prior to the institution of this petition, the petitioner had even served the respondent authorities with a representation dated May 08, 2024 (P-3), but to no avail

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 to 3. At the outset, he submits, for the matter is under active consideration of competent authority, it would be expedient, if the petition is disposed of, at this stage, to enable the respondent authorities to consider and decide the representation (*ibid*), and pass necessary orders, in accordance with law. Further, he submits that before any such orders are passed, the petitioner, as also respondent No.4, shall be heard. And, a formal communication in this regard will be issued, well in advance.

Learned counsel for the petitioner is agreeable to the course suggested by the learned State counsel and submits that let the petition be disposed of in terms of the statement made by him. However, he submits that the matter being time sensitive, the competent authority be directed to consider and finally decide the matter within a specified time.

To this, learned State counsel submits that the necessary orders in this regard shall be passed within eight weeks from today.

In the wake of the position sketched out above, and in terms of the statement made by learned counsel for the parties, this petition is accordingly disposed of.

This Court is sanguine that the authority shall consider/examine the matter in the right earnest, and pass appropriate orders, within the time indicated by learned State counsel, assigning reasons in support thereof.

Needless to assert that this order shall not constitute an expression of opinion on the merits of the case of either party, for, as indicated earlier, the competent authority shall examine the grievances of the petitioner, strictly in accordance with law.

(ARUN PALLI)
JUDGE

(VIKRAM AGGARWAL)
JUDGE

23.10.2024
deepak

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