IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

C.W.P. No. 32065 of 2024
Date of decision: 28.11.2024

Balbir Singh Chillar **…. Petitioner**

Vs.

State of Haryana and others **…. Respondents**

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

Present: Mr. Archit Kaushik, Advocate, for the petitioner.

ARUN PALLI, J (Oral)

The petitioner (Balbir Singh Chillar) has prayed for the following substantive relief:

"Civil Writ Petition under Article 226/227 of the Constitution of India praying for issuance of any writ, order or directions especially in the nature of certiorari to certiorari to set aside the approval granted to the respondent No.6 according to which the respondent No.6 has been allowed to raise the construction as per the Deen Dayal Scheme, contrary to the provisions of law agreement dated 30.11.2012 (Annexure P-2) and compromise affected at lok adalat (Annexure P5) thus, liable to the set aside; A writ of mandamus directing the official respondents to take immediate and appropriate action against respondent No.6 for the illegal constructions and to ensure compliance with the statutory provisions and the terms of the agreement dated 30.11.2012 and the compromise effected at the Lok Adalat, Direct Respondents No.1 to 5 and 7 to remove the encroachments made by Respondent No.6 on the Petitioner's property and restore the property to its original state as per the approved layout plan, Award compensation to the Petitioner for the losses suffered due to the encroachment and unauthorized construction, including loss of property value, inconvenience, and costs incurred."

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Learned counsel for the petitioner, at the outset, submits that prior to the institution of this petition, the petitioner had even served the respondent authorities with a representation dated 02.09.2024 (P-10), but to no avail.

Served with the advance copy of the petition, Mr. Deepak Sabharwal, Advocate, for the respondent-HSVP, is present in Court. At the outset, he, on instructions, submits, for the competent authority is already in seisin of the matter, it would be expedient, if the petition is disposed of, at this stage, to enable the respondent authorities to consider the claim of the petitioner and pass necessary orders, in accordance with law. Further, he submits that before any such orders are passed, the petitioner, shall also be heard. And a formal communication in this regard will be issued, well in advance. He further submits that the petitioner shall be at liberty to supplement/support his claim by furnishing any fresh material, which shall be taken cognizance of by the competent authority.

Learned counsel for the petitioner is agreeable to the course suggested by the learned counsel for the respondent-HSVP 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 counsel for the respondent-HSVP submits that the necessary orders in this regard shall be passed within four weeks from today.

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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 counsel for the respondent-HSVP, 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

28.11.2024
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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No

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