

(2025) 05 P&H CK 1263
In the Punjab And Haryana At Chandigarh
Case No : CWP Of 14375 Of 2025

Chamkaur Singh and others	Vs	APPELLANT
State of Punjab and others		RESPONDENT

Date of Decision : 19-05-2025

Acts Referred:

Constitution Of India, 1950 — Article 226, 227

Citation : (2025) 05 P&H CK 1263

Hon'ble Judges : Sheel Nagu, Cj; Sumeet Goel, J

Bench : Division Bench

Advocate : V.G. Jauhar

Final Decision : Disposed Of

Judgement

Sumeet Goel, J

1. The present petition has been filed under Articles 226/227 of the Constitution of India seeking issuance of a writ in the nature of mandamus, with the following substantive prayer:

"Hence it is respectfully prayed that this Hon'ble Court may kindly be pleased to issue writ of mandamus directing the respondents removal of illegal encroachment upon the High School Land and not to construct/ allow establishment of Waste Segregation shed for the purpose of processing wet and dry waste on the private land that is currently in the use of High Senior Secondary School, Village Kohrian, Tehsil Sunnam, District Sangrur, Punjab and immediately stop all construction activity on the said land in the interest of justice, equity and fair play, which is in violation of The Environment Protection Act (1986), The Solid Waste Management Rules (2016), Punjab State Solid Waste Management Policy 2018 and Punjab Panchayati Raj Act (1994).

AND

Further prayer is being made before this Hon'ble Court to issue a writ of

mandamus directing the respondents to consider and use alternative Gram Panchayat land for the construction of Waste Segregation Shed, in accordance with law for the benefit of the common masses in the interest of justice.”

2. Learned counsel for the petitioners limits his prayer and submits thhat the petitioners would be satissfied, for the nonce, if a direction is issued to respondent No.3 to consider annd take a conscious decision on the representaation (Annexure P-16) made by the petitioners in a time bound manner.

3. Notice of motion.

4. On the strength of the advancce notice, Mr. Salil Sabhlok, Sennior DAG Punjjab, accepts notice on behalf of the official respondents. He submits he has no objection in case the limited prayer made by the learned counsel foor the petitioners, at this stage, iss accepted.

5. We have heard learned counsel for the rival parties and have perused thhe paper-book with their assistanncce.

6. Keeping in view the entirety of facts and circumstances of the case & without going into merits thereof,, the instant petition is disposedd of with a diirection to the Deputy Commisssioner, Sangrur (respondent No.3 herein) too look into the representation (Annexure P-16) moved by the petitioners; objectively consider the grievance(s) raised in the said representaation & take ratiocinated decision thereupon after affordding opportuniity of hearing to petitioners, in accordance with law, within a perriod of two weeeeks from today. Such decision be communicated to the petitionners within fifteen days of it being taken. Keeping in view the peculiar facttual milieu of the case in hand; it is directed that Deputy Commissioner, Sanggrur shall ensuure that the construction activity etc. at the spot in question be not carried out till such decision by the Deputy Commissioner, Sangrur & communication thereof to the petitioners.

7. Pending application(s), if anyyy, shall also stand disposed off.