

In the High Court for the States of Punjab and Haryana, at Chandigarh.

C.W.P.No.11545 of 2005 (O&M)  
Decided on Oct 31,2006.

Col.Daljit Singh Randhawa --Petitioner

vs.

State of Punjab and others --Respondents.

Coram: Hon'ble Mr.Justice Jasbir Singh  
Hon'ble Mr.Justice Pritam Pal

Present: Mr.K.S.Dadwal,Advocate,for the petitioner

Mr. P.S.Chhina Addl.A.G.Punjab

Mr. H.S.Lalli,Advocate,for respondents  
Nos. 2 and 3.

Mr.Amit Jain,Advocate,for respondent  
Nos.5 and 6.

Jasbir Singh J:(Oral)

This writ petition has been filed with a prayer that directions be issued to Municipal Council-respondent No.2, to restrain respondent No.6, from running a School in site No. 245, Model Town, Hoshiarpur.

It is contention of counsel for the petitioner that building in question, from where School is being run, was not approved as a site for that purpose and further that, it falls in an area which was developed as a residential colony.

In reply,respondent No.6 has stated that building was constructed after getting necessary permission from the Municipal Council.

Be that as it may, without adverting to the controversy raised by the parties on disputed facts, the writ petition is disposed of with the direction to the Executive Officer of respondent No.2 to treat this writ petition as a representation and decide the same by passing a speaking order. While passing that order, it be specifically mentioned as to whether colony was earmarked only for residential purpose, it be also stated as to whether this site was reserved for School or not, whether any School is running on similar sites or not. If it is found that School is being run contrary to the scheme framed, necessary action be initiated against respondent No.6 forth-with. It is made clear that before passing any order, opportunity of hearing be granted to both the parties. Needful be done within two months from the date of receipt of a certified copy of this order.

(Jasbir Singh)  
Judge

Oct 31,2006,  
RR

(Pritam Pal)  
Judge