

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

COCF No.1694 of 2013
Date of Decision: 27.01.2015

Darshna Rani

...Petitioner

Versus

Rakesh Kumar and another

...Respondents

CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

Present:- Mr. P. S. Khurana, Advocate
for the petitioner.

Ms. Rita Kohli, Sr. Advocate
with Mr. Rajesh Tushar, Advocate
for respondent.

HARINDER SINGH SIDHU, J(ORAL)

This petition has been filed alleging violation of the directions issued by this Court in CWP No.4886 of 2003 vide order 04.10.2008.

Learned counsel for the petitioner relies on noting dated 21.12.2007 (Annexure P2) as per which the building has been constructed by Roshan Lal without any sanction of the Authority concerned. On the first floor 3 ft. wide projection above the street and also on the road both sides has been constructed which has narrowed down the width of the street. Further the same projection has been used to raise construction up to the height 4 ½ storeyes.

In the reply on behalf of the respondents it has been stated that Municipal Corporation had issued a notice under Section 269(1) of the

COCF No.1694 of 2013

Punjab Municipal Corporation Act, 1976 to respondent No.2 against the violation. However, respondent No.2 had filed a Civil Suit against this notice in the Civil Court, Ludhiana which is pending.

It is further stated that the violation made by respondent No.2 is a case of violation of building Bye-Laws and not a case of encroachment as alleged by the petitioner.

Learned counsel for the petitioner refers to the directions of this Court while disposing of CWP No. 4886 of 2003 as per which directions have been issued to the Civil Courts where cases of encroachment made within the area of Municipal Corporations, Ludhiana, Bathinda and Patiala are pending to expedite the disposal of those encroachment cases preferably within 2 years of their institution.

Learned Senior counsel for the respondent assures that keeping in view the aforesaid directions, the respondent-Municipal Corporation will move the appropriate court for expeditious decision in the case. Thereafter, necessary action to implement directions of this Court in CWP No.4886 of 2003 will be taken.

In view of above, the COCF is disposed of.

(HARINDER SINGH SIDHU)
JUDGE

27.01.2015
ashok