

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

**CM-11272-CWP-2015 in
CWP-11765-2015
Date of decision-20.10.2015**

**GRAM PANCHAYAT SAMRAI TH BALDEV SINGH ...Petitioner
VS
STATE OF PUNJAB AND ORS. ...Respondents**

CORAM:- HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Vishnav Gandhi, Advocate
for the appellants.

Mr.Kulwant Singh Dhanora, Advocate
for the respondent.

RAJ MOHAN SINGH, J (Oral)

R.A-302-2015 in CWP-11765-2015

[1] This writ petition came up for hearing before this Court on 03.06.2015. This Court passed the following order:-

“Learned counsel for the petitioner states that the civil suit filed by respondent No.4 was decided on 04.02.2005, in which counter-claim was filed by the Gram Panchayat. The appeal against the said decree was dismissed by the Lower Appellate Court on 01.10.2005 and respondent No.4 remained unsuccessful in Regular Second Appeal also.

Defendant No.2 filed an application under Order 21 Rule 32 CPC and the same was withdrawn on assurance of respondent No.4 that he will not resume the work of deskinning of dead animals.

Learned counsel for the petitioner states that even though the decree passed by the Civil Court is executable in nature and the same can be executed filed under Order 21 Rule 32 CPC, but keeping in view the continuing nuisance of foul smell emitting in close vicinity of residential area, the complaint was made to the Commissioner of Police on 12.09.2014 and that complaint fully satisfies the ingredients of continuing nuisance in terms of criminal offence which has to be emergently remedied.

Notice of motion.

On the asking of the Court, Mr. V.P.S. Sidhu, AAG, Punjab accepts notice on behalf of the State. In view of nature of order which this Court proposes to pass, reply is not necessary.

Respondent No.2 is directed to take appropriate steps after satisfying himself with regard to existence of continuing nuisance on the spot within two weeks after receipt of certified copy of this order.

Disposed of.”

[2] Keeping in view the continuing nuisance in the form of emitting foul smell in the vicinity, this Court directed respondent No.2 to satisfy himself with regard to continuing nuisance and to take appropriate steps thereafter. Thereafter, on the directions of respondent No.2, the de-skinning of dead animals by the applicant-respondent No.4 was stopped. Even Panchayat had already passed a Resolution dated 05.12.2014, specifically ear-marking khasra No.540 and 542 for the purposes of de-skinning of dead animals. Respondent No.4 was operating from khasra

No. 87 which is his own land, despite order dated 30.01.2006 passed by the Division Bench of this Court. Since the Gram Panchayat has already allotted khasra No.540 and 542 for the aforesaid purpose and the petitioner-Panchayat is still ready and willing to give one of the khasra to respondent No.4 for carrying out aforesaid de-skinning of dead animals.

[3] Learned counsel for the applicant-respondent No.4 at this stage submits that he is willing to accept khasra No.542. In view of earlier Resolution of the Panchayat and the willingness shown by the applicant-respondent No.4, Gram Panchayat would be at liberty to allot khasra No.542 to applicant-respondent No.4 formally.

[4] Applicant also undertakes to move an appropriate application to the petitioner-Gram Panchayat. In the event of filing such application, Gram Panchayat is directed to pass appropriate order within one month from the date of receipt of such application.

[5] In view of aforesaid directions, no further orders are required to be passed.

This application stands disposed of.

October 20, 2015
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**(RAJ MOHAN SINGH)
JUDGE**