

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

CWP No.23989 of 2015  
Date of Decision:- 6.11.2015.

Valmiki Ahsram and others

.....Petitioners

Versus

State of Punjab and another

.....Respondents

**CORAM: HON'BLE MR. JUSTICE SURYA KANT  
HON'BLE MR. JUSTICE P.B. BAJANTHRI**

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

Present: Mr. Vishal Sharma, Advocate for the petitioners.

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**SURYA KANT, J. (ORAL)**

- 1.) Notice of motion.
- 2.) On our asking, Mr. Rajesh Bhardwaj, Additional A.G. Punjab accepts notice on behalf of respondent No.1-State and Mr. Ashok Bazaz, Advocate accepts notice on behalf of respondent No.2. In view of the nature of order which we propose to pass, it is not necessary to obtain any reply from the respondents at this stage.
- 3.) The petitioners seek quashing of the notices of the Municipal Council, Ludhiana dated 12.5.2014, 21.11.2014 and 28.11.2014 which are in fact final demolition notices issued under Section 246-A of the Punjab Municipal Council Act, 1976.
- 4.) These notices have been issued in purported compliance

of the general directions issued by this Court in PIL jurisdiction vide judgment dated 4.10.2008 passed in **CWP No.4886 of 2003** in **Court on its own motion Vs. State of Punjab and another** (P-1).

5.) It is recited in the given notices that the petitioners have encroached upon green belt of the Industrial Area and despite opportunity of personal hearing they “*were unable to produce any document regarding ownership of this land---xx---xx---xxx*”.

6.) The aggrieved petitioners came to this Court in **CWP No.24459 of 2014** which was dismissed for non-prosecution on 10.09.2015 as the petitioners failed to produce the proof of their ownership despite sufficient opportunities. Subsequently, that order was modified to the extent that they were granted liberty to approach this Court again along with such proof.

7.) In the instant writ petition, the petitioners rely upon several documents appended as Annexure P-11 (colly). Some of these documents are Conveyance Deeds and Sale Deeds said to have been executed in their favour by the Rehabilitation Department.

8.) There is no gain saying that if the petitioners are not the true owners and have encroached upon green belt or other public property, or have raised illegal and unauthorized construction, the Authorities are under obligation to remove such encroachments in compliance to the directions issued by this Court in PIL jurisdiction. However, if the petitioners are *bona fide* owners of their respective property and constructions are lawful, then it would be entirely a

different case. Since the petitioners rely upon varied documents in support of their claim and most of these documents are in vernacular and their authenticity as well as such like questions of facts cannot be determined by this Court in exercise of writ jurisdiction, we dispose of this writ petition with a direction to the Commissioner, Municipal Corporation, Ludhiana to treat this petition along with documents P-11 (colly) as a joint representation on behalf of the petitioner-Society and its members and as a common reply to the impugned notices; hold a fact finding inquiry and thereafter determine as to whether the members of the petitioner-Society have encroached upon the public property or they are in its lawful occupation. Let such fact finding inquiry be concluded within a period of two months.

10.) Till then status quo re : demolition or further construction shall be maintained.

**(SURYA KANT)**  
**JUDGE**

**(P.B. BAJANTHRI)**  
**JUDGE**

**November 6, 2015.**

*sandeep sethi*