

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

Date of decision:14.05.2015.

Haryana Pradesh Vyapar Mandal

.....Petitioner

v.

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE JASWANT SINGH

Present:- Mr.Vivek Goyal,Advocate for the petitioner
Mr.SS Mann,Sr.DAG Haryana for official respondents
Mr.Deepak Manchanda,Advocate for Municipal
Corporation,Ambala.

Jaswant Singh,J.(Oral)

Registered Association of shopkeepers of old City of Ambala are aggrieved against the removal of *pucca* structures over the public drains existing between their shops and public road owned by the Municipal Corporation,Ambala. Said removal of alleged encroachments is stated to be a result of mis-conceived implementation of the directions passed by this Court on 13.2.2012 regarding removal of encroachments over Government/Municipal land abutting roads in Ambala City.

Upon notice, Mr.Deepak Manchanda has put in appearance on behalf of respondent-Municipal Corporation and states that although a direction has been sought against Municipal Corporation which undertook the drive, however, has not been impleaded.

At this stage counsel for the petitioner makes an oral request for impleadment of Municipal Corporation,Ambala through its Commissioner.

The request made is accepted subject to payment of costs of

Rs.50,000/- (Rupees fifty thousand only) to be paid by petitioner-Association under proper receipt within two weeks from today to Municipal Corporation, Ambala.

Municipal Corporation, Ambala is impleaded as respondent no.4.

Mr. Manchanda, on instructions from Mr. Ishwar Singh, Municipal Engineer, Municipal Corporation, Ambala states that as of now the drive for removal of such constructions has been abandoned and keeping in view the reasonable demand of shopkeepers and residents, a proposal for construction by the Municipal Corporation to provide structures over the drains for necessary access to the shops and houses is under consideration.

In view of the stand of the Municipal Corporation, counsel for the petitioner very fairly concedes that nothing more requires to be adjudicated in the present writ petition.

Accordingly present writ petition is disposed of as having become infructuous. However, it is clarified that only structures over the drains providing reasonable access to the shops/houses shall be permitted to be constructed.

14.05.2015.
joshi

(Jaswant Singh)
Judge