

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

CWP No. 11476 of 2016 (O&M)

Date of decision: 30.09.2016.

Model Gram Residents Association (Regd.)

..... Petitioner.

Versus

State of Punjab and others

..... Respondents.

**CORAM: HON'BLE MR. JUSTICE S.S. SARON
HON'BLE MS. JUSTICE LISA GILL**

Present: Mr. Abhishek Sethi, Advocate, for
Mr. Vishal Aggarwal, Advocate, for the petitioner.

S.S. SARON, J.

The petitioners are residents and are living in Model Gram, Ludhiana, which has a large number of houses. They have been living there for the last more than forty-five years. The buildings in the said area have been residential buildings from time immemorial till recently. A part of the area has been approved by the Municipal Corporation, Ludhiana for Town Planning. The said area which was being used exclusively for residential area is now illegally and in total violation of the Punjab Municipal Act, 1911 (as amended) (sic. - Punjab Municipal Corporation Act, 1976) is being used for illegal parking and commercial activities. The petition has, therefore, been filed for directing the respondents to stop unauthorized activities from the residential area of Model Gram, Ludhiana; besides, take further action against the misuse of residential plots for illegal commercial parking in the plots as well as valet parking on the streets of the area, thus, causing extreme chaos in the area and also directing the respondents to close the illegal passages in the back wall of the Judicial Courts Complex towards the Model Gram Area by

repairing/reconstructing the illegally broken wall on the rear side of the Courts Complex from two points i.e. one of one foot width and the other of around two feet width.

During the course of hearing, learned counsel for the petitioner has submitted that the rear wall of the Judicial Courts Complex, Ludhiana has been dismantled at two places which has resulted in illegal passage from the rear road of the Judicial Courts Complex to and fro the Courts Complex. This has resulted in chaos and made the road in the area of Model Gram, Ludhiana inaccessible. It is submitted that earlier the wall had been closed as was informed by the Registrar General of the Punjab and Haryana High Court vide letter dated 18.02.2016 (Annexure P10). Thereafter, it has again been dismantled.

Learned counsel for the petitioner has referred to the Judicial Courts Premises and Compound Fund Rules, 2013 to contend that the Judicial Courts Premises are under the exclusive management and control of the District Judge and under the overall control of the Punjab and Haryana High Court. Therefore, it is submitted that the rear wall of the Judicial Courts Complex, Ludhiana, which has been dismantled, is liable to be reconstructed.

It is to be noticed that the petitioner has not impleaded the District Judge, Ludhiana as a party to the petition; besides, no representation or notice has been served on the District Judge, Ludhiana after the letter dated 18.02.2016 (Annexure P10) of the Registrar General of the Punjab and Haryana High Court informing him that the wall has again been dismantled and is being used from the rear side of the Judicial Courts Complex, Ludhiana.

In the circumstances, the petitioner may in the first instance approach the District Judge, Ludhiana for reconstruction of the dismantled

portion of the rear wall of the Judicial Courts Complex, Ludhiana at the two points as mentioned.

The writ petition is dismissed at this stage being premature so as to enable the petitioner to approach the District and Sessions Judge, Ludhiana for the redressals of its grievance at the first instance.

(S.S. SARON)
JUDGE

(LISA GILL)
JUDGE

30.09.2016
Ramesh

Note:	1.	Whether reasoned/speaking	:	Yes
	2.	Whether reportable	:	No