

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

**CWP No.14195 of 2016
Date of decision: 22.08.2016**

Arun Kumar Kumra

... Petitioner

Vs.

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr. U.K. Agnihotri, Advocate
for the petitioner.

RAMESHWAR SINGH MALIK, J. (ORAL)

Feeling aggrieved against the order dated 19.05.2016 (Annexure P-12) passed by the Commissioner, Municipal Corporation, Ludhiana-respondent No.2, granting approval to the construction raised by respondents No.4 and 5, petitioner has approached this Court, by way of instant writ petition under Article 226/227 of the Constitution of India, seeking a writ in the nature of certiorari.

Heard learned counsel for the petitioner.

First of all, petitioner has miserably failed to establish his locus standi to approach this Court, against the impugned order dated 19.05.2016 (Annexure P-12) passed by the competent authority. No prejudice of any kind, whatsoever, has been shown which might have been caused to the petitioner, by

passing the impugned order. Present one seems to be an unwarranted litigation initiated by the petitioner to settle his personal score.

During the course of hearing, when learned counsel for the petitioner was confronted with the specific finding recorded by the competent authority, at page 66 of the paper book, to the effect that as per office reports, this construction pertains prior to 1997, meaning thereby prior to the implementation of building byelaws, learned counsel for the petitioner had no answer and rightly so, it being a matter of record. Further, petitioner has not taken any averment contrary to the specific finding recorded at page 66 of the paper book, for the reasons best known to him.

Once the authorities, on the basis of office reports, have found that the construction pertains prior to 1997, before implementation of building byelaws, Commissioner, Municipal Corporation, Ludhiana-respondent No.2 committed no error of law, while granting approval subject to the conditions that no rates should be violated and composition fee should be strictly collected as per rules. He has also directed to ensure that no violation of any Court directions takes place. In view of this undisputed fact situation obtaining on the record, this Court feels no hesitation to conclude that the impugned order has not been found suffering from any patent illegality or perversity, which may warrant any interference at the hands of this Court, while exercising its writ jurisdiction under Article 226/227 of the Constitution of India.

No other argument was raised.

Considering the peculiar facts and circumstances of the case noted

above, coupled with the reasons aforementioned, this Court is of the considered view that the impugned order deserves to be upheld. The writ petition is wholly misconceived, bereft of merit and without any substance, thus, it must fail. No case for interference has been made out.

Although such a petition ought to have been dismissed with exemplary costs, because it has not been found to be a bonafide litigation, yet costs are not being imposed, keeping in view the totality of facts and circumstances of the case, coupled with repeated requests made by learned counsel for the petitioner.

Resultantly, with the abovesaid observations made, present writ petition stands dismissed, however, with no order as to costs.

[RAMESHWAR SINGH MALIK]
JUDGE

22.08.2016
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Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No