

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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**CWP No.22388 of 2015
Date of Decision:19.01.2016**

Hardial Singh Johl

....petitioner

Versus

Union Territory Chandigarh and others

.....respondents

**CORAM: HON'BLE MR.JUSTICE S.J.VAZIFDAR, ACTING CHIEF JUSTICE
HON'BLE MR.JUSTICE ARUN PALLI**

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

Present: Mr.Deepak Jain, Advocate
for the petitioner

Mr.Sanjeev Sharma, Senior Advocate with
Mr.Shekhar Verma, Advocate
for respondents No.1 to 3-U.T.Chandigarh

Mr.Abhinandan Pandhi, Advocate for
Mr.I.P.S.Kohli, Advocate
for respondent No.4

Mr.Sanjiv Gupta, Advocate
for respondent No.5

S.J.VAZIFDAR, ACTING CHIEF JUSTICE (ORAL):

The petitioner has sought the following reliefs:

- (i) issue writ of Mandamus to respondents No.1 to 3 to perform their legal duties under Punjab New Capital (Periphery) Control Act, 1952, thereby removing the illegal constructions/dumping of malba in the controlled area of village Mani Majra, U.T.Chandigarh and further to ensure that no illegal construction/dumping of malba takes place in future.
- (ii) And/or for issuance of writ of mandamus to reopen the blocked choe and pond by removing illegal malba dumped into same as shown in map (Annexure P2) in order to ensure natural flow of water in Sukhna Choe.

As far as prayer (i) is concerned, Mr.Sharma, learned Senior

counsel appearing on behalf of U.T.Chandigarh, states that action against illegal construction is taken on a regular basis. He states that if the petitioner or any other party invites their attention to any illegal construction, action will be taken in respect thereof, forthwith. The statements are accepted. In the event of respondents No.1 to 3 not acting on any particular complaint, the petitioner is always at liberty to make a representation even in this writ petition, although, it is disposed of by this order. However, the petitioner must first inform respondents No.1 to 3, of the same and approach this Court only in the event of respondents No.1 to 3 deliberately failing to take any action.

As regards the prayer (ii), Mr.Sharma states that the respondents have no objection to the prayer being granted, in view of the fact that the respondents are doing the same themselves. He states that respondents No.1 to 3 would be surveying the choe and pond and will remove the illegal malba dumped into the same, if it has not already done so. The statement is accepted and it is so ordered.

The writ petition is accordingly disposed of.

(S. J. VAZIFDAR)
ACTING CHIEF JUSTICE

(ARUN PALLI)
JUDGE

January 19, 2016
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