

In the High Court of Punjab & Haryana at Chandigarh.

COCP No. 2608 of 2016
Date of decision: 15.03.2017

Mukhtiar Singh Petitioner.
V/S
Sonali Giri, Municipal Commissioner, Amritsar Respondent

CORAM: HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present: Mr.G.S.Bawa, Advocate for the petitioner.

Mr. Sanjeev Soni, Advocate for the respondent.

DAYA CHAUDHARY.J.(ORAL)

The petitioner has filed CWP No. 15915 of 2016 under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of mandamus directing the respondents to remove the illegal encroachment in Sabzi Mandi, Shaheedan Sahib, Amritsar. The said writ petition was disposed of vide order dated 08.08.2016. The relevant portion of order dated 08.08.2016 is reproduced as under:-

“Having heard the learned counsel for the petitioner and without expressing any opinion on the merits of the case, lest it should prejudice the rights of either of the parties, the Commissioner, Municipal Corporation, Amritsar-respondent No.3 is directed to look into the matter, consider the grievance of the petitioner, raised vide his representation dated 7.6.2016 (Annexure P-3) and decide the same, at an early date by passing an appropriate order thereon, strictly in accordance with law, but in any case within a period of six weeks from the date of receipt of a certified copy of this order.”

The said writ petition was disposed of with a direction to the Commissioner, Municipal Corporation, Amrtisar-respondent No.3 to look

into the matter and consider the grievance of the petitioner and to decide the representation within a period of six weeks from the date of receipt of certified copy of the order.

The petitioner has approached this Court by way of filing COCP No. 2608 of 2016 in CWP No. 15915 of 2016, on the ground that the compliance of the order dated 08.08.2016 has not been made by the respondent(s).

Notice of motion was issued on 17.10.2016. Thereafter, the case came up for hearing on 12.01.2017. The respondent was directed to comply with the order dated 08.08.2016 passed by this Court within a period of one month.

Admittedly, the order was to be passed within a period of 6 weeks from the date of receipt of certified copy of the order dated 08.08.2016 but no compliance was made within the time frame and only in pursuance of order passed by this Court on 12.01.2017, the order dated 17.01.2017 has been passed.

Learned counsel for the respondent submits that some unauthorized encroachment was there and the petitioner himself extended his shop and unauthorisedly covered the footpath, which is clear from the photographs. It is also mentioned in the written statement that all encroachments have been removed and the petitioner has also been asked to remove his items which are on the encroached land. Since, the necessary action has been taken and nothing survives in the petition, the same stands disposed of accordingly.

15.03.2017

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(DAYA CHAUDHARY)**JUDGE**

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No