

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

CWP No.15574 of 2015
Date of decision : 21.03.2017

Sukhwinder Singh

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL.

Present: Mr. Amitoj Singh Dhaliwal, Advocate for the petitioner.

Mr. Rajbir Singh, AAG, Haryana.

Mr. Rajesh K. Sheoran, Advocate for respondent No.5.

Mr. Akshay Jindal, Advocate for respondents No.6 to 8.

AMIT RAWAL, J. (Oral)

Grievance of the petitioner in the present writ petition is as follows:-

“Civil Writ petition under Article 226/227 of Constitution of India for issuance of writ in the nature of mandamus for issuing directions to the official respondents No.1 to 5 to demolish the illegal structure/hall/shop constructed as an encroachment over the public street as the same is illegal and contravention of the law for the time being enforce and the same is creating nuisance and hazard to life and liberty of the petitioner and general public.”

The stand taken by the respondent-Municipal Corporation and as well as averments in the writ petition is that construction raised by the

petitioner on the first floor of the alleged street has been on the premise that he has been the owner of the land and the site plan has been sanctioned on 27.04.2012.

If at all the petitioner is aggrieved with regard to so, which has not been able to pointed out regarding the locus standi, he has remedy to file the civil suit, as till date, respondent Nos.6 to 8 are the owner of the property and no direction can be issued to owner of the property who has raised the construction as per the sanctioned site plan. If at all construction is raised with the deviation of the site plan, Municipal Corporation is directed to take action in accordance with law.

Writ petition stands disposed of in aforementioned terms.

21.03.2017

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**(AMIT RAWAL)
JUDGE**

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No