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

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**Civil Writ Petition No.18439 of 2016 (O&M)
Date of decision: September 27, 2017**

Gurdas Chand

....Petitioner

versus

State of Punjab and others

....Respondents

**CORAM: HON'BLE MR. JUSTICE AJAY KUMAR MITTAL
HON'BLE MR. JUSTICE AMIT RAWAL**

Present: Ms. Shailja Sharma, Advocate for
Ms. Sonia G. Singh, Advocate for the petitioner.

Mr. IPS Doabia, Addl. A.G., Punjab.

Mr. Anup Singh, Advocate for respondent No.4.

Mr. Vivek Salathia, Advocate for respondent No.8.

Mr. Ashok Kumar Sharma, Advocate for respondent No.9.

AJAY KUMAR MITTAL, J. (Oral)

Civil Misc. No.9166 of 2017

Written statement on behalf of respondent No.4 as well as Annexures A-1 to A-14 filed along with the application are taken on record, subject to all just exceptions. Office to tag the same at appropriate place.

CM stands disposed of.

Main case

1. The prayer in this petition filed under Article 226 of the Constitution of India is for issuance of a writ in the nature of certiorari, quashing the order dated 24.09.2015 (**Annexure P-21**) passed by the District Town Planner, Amritsar-respondent No.5 vide which the respondent has allowed the industrial units to continue in the residential area in violation of the settled principle of law without considering the survey which says that 96% of the area of Azad Nagar is residential and only 4% is industrial/commercial and that too is scattered and not in a specific place in the area of Azad Nagar. Even this 4% industrial area consist of 10 residential houses out of which only 2 are used as industrial unit. Further prayer has also been made to direct the respondents to close the industrial units working in the residential area as they are hazardous to the lives of the residents in Azad Nagar.

2. Upon notice of motion having been issued to the respondents, reply by way of counter-affidavit of Sh. Amit Singh Minhas, District Town Planner, Amritsar on behalf of respondents No.2, 3 and 5 has been filed wherein in the preliminary submissions, it has been stated that the land use of the part of the locality Azad Nagar which was falling under industrial land use where the house of the petitioner falls has already been changed from industrial to residential, for which the amended proposed land use plan drawing

No.DTP(A) 4/2016 dated 01.08.2016 has been notified by the Chief Town Planner, Punjab. A copy of the said notification is enclosed as Annexure R-1 along with the reply.

3. In view of the above, learned counsel for the parties submitted that the present petition has been rendered infructuous and may be disposed of as such.

4. Ordered accordingly.

(AJAY KUMAR MITTAL)
JUDGE

September 27, 2017
sonia gugnani

(AMIT RAWAL)
JUDGE

Whether speaking/reasoned?

Yes/No

Whether reportable?

Yes/No