

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

**CWP No.15028 of 2017
Date of Decision: 24.07.2017**

Anjuman Aqwaam Ul Muslameen Alhind

....Petitioner

Vs.

Chandigarh Administration and another

....Respondents

CORAM: HON'BLE MR.JUSTICE RAKESH KUMAR JAIN

Present: Ms.Amrita Nagpal, Advocate, for
Mr.Sharad Aggarwal, Advocate,
for the petitioner.

Mr.J.S. Lalli, Advocate,
for the respondents.

RAKESH KUMAR JAIN, J. (ORAL)

This petition is filed for seeking a direction to the respondents to stop raising construction of the proposed E-Sampark Centre, which is allegedly in the parking area located within the Jama Masjid, Sector 45, Chandigarh and the Muslim Graveyard.

Learned counsel for the petitioner has submitted that the respondents are constructing E-Sampark Centre on the land which is being used as a parking, situated between the Jama Masjid, Sector 45, Chandigarh and the Muslim Graveyard. It is further submitted that vide letter dated 12.5.2017 (Annexure P-5), addressed to the petitioner, the Chief Architect, Department of Urban Planning, Chandigarh Administration has stated that the matter has been examined and revised E-Sampark centre at Village Burail, Sector 45-C, Chandigarh has been relocated and the location of E-Sampark Centre measuring 40' X 60' in

Sector 45-C has been approved by the Secretary, Urban Planning, UT, Chandigarh on 16.3.2017. It is also mentioned therein that the office has sought the area list/NEC from the concerned department vide its office Memo No.E-1/STP-2017/1008-12 dated 17.3.2017. It is further submitted that while the matter was pending before the concerned authority, the respondents have started raising construction and hence, the present writ petition has been filed.

After notice, the respondents have filed their reply in which they have made following averments in para Nos. 2 to 5 of the Preliminary Objections, which are relevant for this case and are reproduced as under: -

“2. That the contention of the petitioner that the decision to locate an e-sampark centre in the parking place located between the Jama Masjid and Muslim Burial ground, Sector 45, Chandigarh is totally wrong. In fact, only one Muslim graveyard measuring 233ft x 215ft is located on V-5 road and on its both sides reserved area of the administration is lying vacant. The land is owned by the Chandigarh Administration. The Muslim graveyard is bounded by boundary wall and its two gates are opening towards the V-5 Road and an illegal gate has been opened towards the site lying vacant on the left side of the graveyard by the

management of the graveyard and the administration is contemplating to close the same. The Jama Masjid is located on the other side of the road.

3. That initially the administration had proposed to locate the e-sampark centre adjoining to the graveyard with a common wall, but on the request of the local area councilor and the petitioner society, now the administration has decided to re-locate the e-sampark centre by taking it towards left side of the vacant land and now there will be a difference of 100 ft. between the graveyard and e-sampark centre.

4. That the proposed site for e-sampark centre is only 40ft x 60ft, therefore, only 266.67 sq. yards out of the total reserved area of 0.85 acres will be consumed. Copies of the part layout plan of Sector 45-C, Chandigarh showing the new location of e-sampark centre and the office memo dated 17.3.2017 issued by Chief Architect, Chandigarh to the CE-UT and CE/MC, Chandigarh to the said effect are attached as Annexures R-1 & R-2.

5. That now the construction of e-sampark centre has started and the early completion of the same is desired for the welfare of the residents of Sector 45 and village Burail, Chandigarh, therefore, the present petitioner has no locus-standi to file the present writ petition.”

I have heard learned counsel for the parties and after examining the record, am of the considered opinion that in view of the stand taken by the respondents/Administration in para Nos.2 to 5 of the Preliminary Objections of their reply, no interference of this Court is called for in the present petition and as such the same is hereby dismissed.

24.07.2017

Vivek

**(RAKESH KUMAR JAIN)
JUDGE**

Whether speaking/reasoned *Yes/No*

Whether reportable *Yes/No*