

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Civil Writ Petition No.22920 of 2015
Date of Decision: May 11, 2017

Happy Kumar Mal

...Petitioner

Versus

State of Punjab & others

...Respondents

CORAM: HON'BLE MR.JUSTICE AMIT RAWAL, JUDGE

Present: Mr.Sandeep Arora, Advocate,
for the petitioner.

Mr.T.N.Sarup, Addl.A.G.Punjab,
for the State.

Ms.Pinki Banwala, Advocate for
Mr.Harsh Bungar, Advocate,
for respondent No.2.

Mr.Shekhar Verma, Advocate,
for respondent No.4.

AMIT RAWAL, J. (Oral)

Petitioner has approached this Court seeking the following
relief:-

Civil Writ Petition under Article 226/227 of Constitution of India for issuance of a writ in the nature of Mandamus thereby directing the respondent No.2 i.e.Commissioner, Municipal Corporation, Jalandhar to take legal action against the respondent No.4 and its associates for raising illegal construction of Satsang Bhawan without getting any site plan approved from the Corporation and without getting any permission for raising Satsang Bhawan building in the residential area of Mohalla Sharif Pura and further direction to respondent No.2 & 3 to restrain the respondent No.4 and its

associates from carrying out any illegal activity with regard to usage of speakers, holograms in the Satsang Bhawan thereby creating nuisance for the petitioner as well as entire locality using the Street.

Any further for issuance of a writ in the nature of Mandamus thereby directing the respondent No.2 i.e. Commissioner Municipal Corporation, Jalandhar to take appropriate legal action on the complaint/representation (Annexure P-1) filed by the petitioner.

Any other appropriate writ/order/direction which this Hon'ble Court may deem fit may kindly be passed keeping in view the facts and circumstances of the present case.

In paragraph 2 of the written statement, respondent No.2 has taken the following stand:-

*“2. That the present writ petition is liable to be dismissed as the petitioner has concealed material facts from this Hon'ble Court. The brief facts of the case are that as soon as the representation dated 9.10.2015 (P-1) of the petitioner and other residents of the village was received, the answering corporation immediately swung into action and visited the site. On seeing the unauthorized construction going on, it served notices dated 23.10.2015 under Sections 269(1) & 270(1) of Punjab Municipal Corporation Act, 1976 for stopping further construction and for demolishing the illegal construction already raised. It may be mentioned here that the entire construction was raised without getting any Building Plan sanctioned from the answering corporation. Respondent no.4 on the receipt of the said notices, immediately approached the answering-corporation with their reply dated 23.10.2015 about stopping the construction, the copy of which is attached herewith as **Annexure R-2/1**. Respondent no.4 then submitted its Building Plan bearing B.A.no.906 dated 30.10.2015 which was duly considered by the answering-corporation is not going to permit any illegal/unauthorised construction and the*

Building Plan, if any, would be approved only as per the existing Master Plan/Building Bye-Laws of the answering-corporation.”

In view of the aforementioned stand, respondent-Municipal Corporation, Jalandhar has taken the action against respondent No.4, who is stated to have submitted his building plan. It has also been undertaken by the Municipal Corporation that they will not permit any illegal/unauthorised construction and the building plan, if any, would be approved only as per the existing master plan. Thus, the grievance of the petitioner stands vindicated.

Accordingly, the writ petition stands disposed of.

May 11, 2017
ramesh

(AMIT RAWAL)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable:

Yes/No