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

Civil Writ Petition No.26401 of 2017
Date of decision: November 20, 2017

Baljinder Singh		...Petitioner
	Versus	
State of Punjab and others		...Respondents

**CORAM:HON'BLE MR. JUSTICE S.J.VAZIFDAR, CHIEF JUSTICE
HON'BLE MR. JUSTICE HARINDER SINGH SIDHU**

Present: Mr.Gagandeep Singh Sirphikhi, Advocate
for the petitioner.

S.J.VAZIFDAR, Chief Justice :

The petitioner's grievance is that the private respondent i.e. respondent No.12 has constructed a wall on a property adjoining his, which is obstructing the petitioner's access. The petitioner contends that the land does not belong to respondent No.12, but to the Gram Panchayat of village Udhowal. In any event, he states that the necessary permissions have not been granted.

It is not necessary for us, at this stage, to interfere in the matter as the competent authority of the Punjab Urban Development Authority (PUDA) has already issued a notice dated 12.07.2017 (Annexure P-4) to the Sarpanch of the Gram Panchayat, village Udhowal, Tehsil Batala, District Gurdaspur, under Chapter-11 of the Punjab Regional and Town Planning and Development Act, 1995, stating that the wall was constructed without permission from the competent authority; calling upon the Sarpanch to immediately stop the unauthorised construction and stating that the construction already put up would be demolished. The notice called upon the Sarpanch to show cause against the same.

The show cause notice is served upon the Sarpanch only, while, the case of the petitioner is that respondent No.12 is putting up the wall.

At this stage, the ends of justice would be served by directing the competent authority – PUDA, which issued the show cause notice Annexure P-4 to proceed with the show cause notice and to pass final orders thereon, but after hearing the petitioner and respondent No.12. It would be fair for the competent authority to hear respondent No.12 as well, for it is petitioner's own case that it is respondent No.12, who is actually putting up the wall. The petitioner is at liberty to bring this order to the notice of the competent authority. The competent authority shall take final decision on the show cause notice by 31.01.2018.

It is the responsibility of the petitioner to serve a copy of this order upon the Sarpanch, Village Udhawal, Tehsil Batala, District Gurdaspur and respondent No.12.

The petition is disposed of accordingly.

(S.J. VAZIFDAR)
CHIEF JUSTICE

November 20, 2017

(HARINDER SINGH SIDHU)

JUDGE Whether Speaking / Reasoned Yes / No Whether
