

208

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-7074-2015 (O&M)

Date of decision : 22.05.2017

Subzi Mandi Traders Welfare Association

... Petitioner(s)

Versus

State of Haryana and others

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. A.K. Chauhan, Advocate for
Mr. Arvind Singh, Advocate
for the petitioner.

Mr. Rajbir Singh, AAG, Haryana.

Mr. Deepak Manchanda, Advocate
for respondent Nos.2 & 3.

AMIT RAWAL, J. (ORAL)

The petitioner has approached this Court seeking following relief:-

"CIVIL WRIT PETITION under Articles 226/227 of the Constitution of India for issuance an appropriate writ, order or direction especially in the nature of Mandamus directing the respondents to remove encroachment and illegal construction from the road undertaken by Municipal Council/Municipal Corporation by not demolishing the portion of the shops/platforms made in front of the shops of the petitioner-association as the self-demolition has already been done in front of the shop of the petitioner-association and the respondent-Corporation, its employees are threatening to

demolish the construction of platform, cemented steps over wide drains which are used as an access to shops as the shopkeepers are in old possession of the shops;

It is further prayed that a direction may kindly be issued to respondent Nos.2 and 3 to decide the representation dated 2.4.2014 (P-6) of the petitioner for applying the Government policy;

Any other writ order or direction which this Hon'ble Court may deem fit and proper in the facts and circumstances of the case."

Learned counsel for the respondent Nos.2 and 3/Municipal Corporation has drawn the attention of this Court to the paragraph 4 of the reply filed on behalf of respondent Nos.2 and 3/Municipal Corporation that Tehbazari has already been closed down by the Government way back in the year 2003. The ramps/sheds/ platforms/thadas constructed beyond the registry/building line, on the public street/road, have been removed by the answering respondent(s) as the same in no way amounts to a temporary structure, which reads as under:-

"That the contents of para No.5 are wrong and denied. It is submitted that the Tehbazari has already been closed down by the Govt. way back in the year 2003. It is also denied that the ingress and outgress of the shops and houses has been demolished. The ramps/sheds/ platforms/thadas constructed beyond the registry/building line as per their title document, which are on the public street/road, falls within the definition of encroachment and the same have been removed by the answering respondent(s) as the same in no way amounts to a temporary structure."

Keeping in view the aforementioned facts, I am of the view that the grievance of the petitioner stands vindicated and therefore, no cause of action survives in the present writ petition. The present writ petition has been rendered infructuous.

Disposed of, accordingly.

22.05.2017
Yogesh Sharma

(AMIT RAWAL)
JUDGE

	✓
Whether speaking/reasoned	Yes/ No
	✓
Whether Reportable	Yes/ No