

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

**CWP No.6800 of 2017
Date of decision:30.03.2017**

Sushil Kumar and others

... Petitioners

Vs.

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. Dheeraj Mahajan, Advocate
for the petitioners.

AMIT RAWAL J. (Oral)

The petitioners have invoked the writ jurisdiction of this Court under Articles 226/227 of the Constitution of India for quashing of the impugned order dated 21.03.2017 (P-9) of the Additional District Judge, Pathankot, whereby, appeal filed by the petitioner against the impugned order dated 21.10.2016 (P-9) rendered by respondent No.3 – Assistant Town Planner, has been dismissed.

Mr. Dheeraj Mahajan, learned counsel for the petitioners submits that the appeal preferred against the impugned order dated 21.10.2016 passed by Assistant Town Planner, Municipal Corporation under Section 269(1) of the Punjab Municipal Corporation Act, 1976 before the Additional District Judge was dismissed by giving a liberty to the petitioner to furnish the documents afresh before the Municipal Corporation/Town Planner regarding compounding etc. The relevant part of the order reads as under:-

“However, liberty is granted to the appellants to furnish the documents afresh before the Municipal Corporation/Town Planner and in case some of the construction which they have raised is subject to compounding if the same falls to the ownership of the appellants, the municipal corporation may consider the same in accordance with law but any construction or encroachment made by the appellants on the public passage/public property cannot be allowed to sustain and Municipal Corporation will be at liberty to proceed in accordance with law. The appeal under the circumstances is without merit. The same is dismissed. Decree sheet be drawn accordingly. File of the appeal is ordered to be consigned to the record room.”

In pursuance to the aforementioned, no action has been taken so far by the Municipal Corporation despite having submitted application (Annexure P-20) in this regard.

I have heard learned counsel for the petitioners, appraised the paper book and of the view that writ petition can be disposed of at this stage by giving a direction to the Commissioner, Municipal Corporation, Pathankot to take action on the application (Annexure P-20) in pursuance to the directions contained in the order of Additional District Judge while dismissing the appeal, after affording effective opportunity of hearing to the parties to the lis as expeditiously as possible preferably within a period of four months from the date of receipt of a certified copy of this order.

Accordingly, the writ petition stands disposed of.
Till then there shall be no demolition of the shed.

(AMIT RAWAL)
JUDGE

March 30, 2017
savita

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No