

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Civil Writ Petition No.803 of 2017.

Date of Decision: January 18, 2017

Jaswinder Kaur and others

.....Petitioners

versus

State of Punjab and others

.....Respondents

**CORAM: HON'BLE MR.JUSTICE SURYA KANT.
HON'BLE MR.JUSTICE GURMIT RAM.**

Present: Mr.Sandeep Khunger, Advocate, for the petitioners

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1. Whether Reporters of Local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

Surya Kant, J. (Oral)

The petitioners are having their commercial shops in Vegetable Market, Valla, Amritsar. The said market has been set-up under Section 7(2) of the Punjab Agricultural Produce Markets Act, 1961, after denotifying the old Mandi which was in a congested area.

The grievance of the petitioners in the instant writ petition is that as per the approved lay-out plan, there is a 'parking area' as well as pacca 'platform'. However, instead of allowing the parking area to be used for parking of the vehicles or the platform for the loading and unloading of grains, some *rehriwalas* have unauthorizedly occupied both the areas. Those *rehriwalas* are said to have been authorized by respondent No.5-Secretary of the Market Committee, allegedly for extraneous considerations.

The petitioners served the authorities with a legal notice for removal of illegal encroachments made by *rehriwalas* and in reply thereto,

it is acknowledged that some *rehriwalas* and *phadiwalas* are temporarily

occupying the site “without the consent of the Market Committee”. Even after such acknowledgment, it appears that no action is being taken by the authorities to remove such encroachment.

Having heard learned counsel for the petitioners and after going through the record, we dispose of this writ petition without expressing any views on merits, with a direction to respondent Nos.2 to 5 to ascertain the correct facts and if there is any substance in the allegations made by the petitioners, take necessary lawful steps for removal of encroachment and clear the area for the purposes for which it was earmarked in the lay-out plan. The needful shall be done within a period of three months from the date of receiving a certified copy of this order.

Ordered accordingly.

Dasti.

[SURYA KANT]
JUDGE

January 18, 2017
mohinder

[GURMIT RAM]
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No