

CHANDIGARH

COCF No. 1667 of 2015 (O&M)

Date of decision: 05.09.2018

Ludhiana Welfare Assoication, Ludhiana

... Petitioners

Vs.

Sh. Ashok Gupta & Ors.

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Ms. Ritu Punj, Advocate, for the petitioner.

Mr. Rajbirinder Singh Chahal, Addl. A. G., Punjab.

Mr. Ashok Bazaz, Advocate, for respondent No.2.

AUGUSTINE GEORGE MASI, J. (Oral)

Petitioner has approached this Court alleging violation of judgment dated 04.10.2008 passed in C.W.P No. 4886 of 2003, “Court of its own Motion Vs. State of Punjab & Ors.”, whereby this Court while disposing of the writ petition had held that Municipal Corporations shall see that there is no encroachment on any of the public properties. It was also directed to locate that encroachment upon areas and take necessary safeguards/ preventive measures against any forcible trespass/encroachment as also to constitute the Vigilance Committees of the NGOs/citizens who may volunteer to inform the municipal authorities including the Enforcement and Monitoring Committees regarding any fresh encroachments. Liberty was also given to a public spirited person to highlight the said aspect and even to approach the Court. It is then this light that the petitioner has approached this Court.

From the perusal of the contempt petition specially para No.7 thereof it appears that the encroachment, which has been highlighted and brought out relate to some unauthorised construction/violations within a private property. There is nothing which indicates that encroachment has been carried out on the public property.

Reply to the contempt petition has been filed by the respondents, according to which the orders passed by this Court in the writ petition are being complied with and even instructions to that effect have also been issued. A perusal of the affidavit dated 03.02.2016 filed by the Commissioner Municipal Corporation, Ludhiana specially para 3 thereof leaves no manner of doubt that there is no encroachment on any public property.

On 13.08.2018, last opportunity was granted to counsel for the petitioner to file replication to the reply, which has been filed by respondent No.2. The said replication has not been filed. Stand therefore, as taken by respondent No.2 in the contempt petition goes un rebutted.

In view of the above, this Court is satisfied that the order passed by this Court is being complied with. As regards the pleadings of the petitioner is concerned, the same only relate to internal violations which is not on the public properties and, therefore, the contempt petition stands disposed of.

Rule stands discharged.

September 05, 2018
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(Augustine George Masih)
Judge

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