215 IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

COCP No. 2317 of 2016 (O&M)
Date of decision:26.11.2018

Rohit Sabharwal

...Petitioner

Versus

Satish Chandra and another

...Respondents

CORAM: HON'BLE MS.JUSTICE NIRMALJIT KAUR

Present: Mr. Sardarvinder Goyal, Advocate
for the petitioner.

Ms. Sudeepti Sharma, Addl. AG, Punjab.

Mr. Alankrit Bhardwaj, Advocate for
Mr. Ashok Kumar Bajaj, Advocate
for respondent No.2.

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NIRMALJIT KAUR, J. (ORAL)

The contempt petition was filed for violation of order dated 27.05.2015 vide which a direction was issued to consider and decide the representation dated 07.07.2014 filed by the petitioner seeking for implementation of the Ludhiana Municipal Corporation Building Bye- Laws 1997 made by the Municipal Corporation, Ludhiana. As per the latest status report filed on 29.10.2018, the order has been complied with which is detailed in Para Nos.6,7 & 8 is as under:-

> "6. That in compliance to order dated 21.08.2018, an action taken report has been sought from Commissioner, Municipal Corporation, Ludhiana against the building in question and details are as under:-
>
> | | | |
> |---|---|---|
> | **(A)** | **Action taken** | |
> | (i) | Sealed Complexes Total No. | 43 |
> | (ii) | Assessed Complexes Total No. | 30 |
> | (iii) | No Violation in Complexes Total No. | 07 |
> | (iv) | Stay from Hon'ble Courts in Complexes Total No. | 04 |
> | (v) | Falls in Ludhiana Improvement Trust Total No. | 01 |
> | | Total | 85 |
> | (B) | Composition fee w.r.t. to 30 complexes | |
> | (i) | Assessed - | Rs. 6,13,01,212/- |
> | (ii) | Recovered - | Rs. 1,55,38,154/- |
>
> 7. The above shows that the complexes of all the 7 violators have been sealed by the Municipal Corporation, Ludhiana pursuant

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> to the last affidavit dated 08.01.2018 wherein it was stated that the action against 7 complexes is yet to be taken.
> 8. That all Commissioners, Municipal Corporation in the State of Punjab have also been directed that in addition to civil action, the offenders may be prosecuted under either Sections 258, 269 or 270 read with Section 388 and Schedule III of the Punjab Municipal Corporation Act, 1976 by the Local Government Department vide memo No.2260 dated 16.10.2017.

Learned counsel for the petitioner at this stage submitted that the perusal of the said status report shows that an amount of almost Rs.5 crores is still to be recovered.

In view of the above, the present petition is disposed of with the direction to the respondent authorities/Municipal Corporation to carry out the various instructions/directions so issued by the Local Government forthwith.

Rule is discharged. However, the petitioner is at liberty to move an application before this court, in case , the Municipal Corporation further fails to carry out the instructions issued by the Local Government.

26.11.2018 **(NIRMALJIT KAUR)**
renu bala **JUDGE**

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No

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