

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

**CWP No.10201 of 2015
Date of decision: 03.08.2018**

New Guru Teg Bahadur Nagar Welfare Council (Registered)

... Petitioner

Versus

State of Punjab and others

... Respondents

**CORAM: HON'BLE MR. JUSTICE KRISHNA MURARI, CHIEF JUSTICE
HON'BLE MR. JUSTICE ARUN PALLI, JUDGE**

**Present: Mr. Karanvir Singh Khehar, Advocate for the petitioner.
Mr. Avinit Avasthi, AAG, Punjab.**

KRISHNA MURARI, C.J. (Oral)

This writ petition in the nature of Public Interest Litigation has been filed seeking the following main reliefs:-

“Issue a writ in the nature of Mandamus directing the respondents to implement their own decision taken in the 23rd Board Meeting and new notification dated 27.9.2010 (Annexure P2) by removing the errors/shortcomings occurring in the Master Plans of Patiala, Ludhiana, Bathinda and Abohar, in the matter of reservation of roads, so as to enforce the same rule of 5 to 10 metres on schedules roads/National Highway in areas within Master Plans but outside MC limits are followed every where in the State of Punjab and not different for Patiala, Ludhiana, Bathinda, Abohar, so as to bring about uniformity in the matter of set back on schedule Roads/National Highways in areas outside the Municipal Corporation/Committee Limits but within

areas falling under the Master plan prepared under the Punjab Regional and Town Planning and Development Act, 1995, PUBLIC INTEREST.”

The issue was being considered by this Court and ultimately the respondents have filed a Status Report dated 19.12.2017, wherein it has been categorically stated that the matter has been considered in various meetings of the Executive Committee and a notification bearing No.2470 CTP (Pb.) SL-65 dated 08.06.2015 (which is already on record as Annexure R10) was issued. It may be appropriate to reproduce the relevant paragraph from the Status Report:

“5) That it is further submitted that Punjab Regional and Town Planning and Development Board in its 23rd meeting dated 23.09.2011 (R-6) issued directions in respect of uniformity in accordance with notification vide No.8/2/2001-4HG1/3112 dated 27th September 2010 (R-4) to be made applicable so that in the entire State, the restrictions regarding no construction zone are common. Accordingly, directions were issued to submit proposal for the implementation of the same. The present writ petition is seeking directions to be given to the Government of Punjab, the Board and Authorities to implement the decision of the Board taken in its 23rd meeting held on 23.09.2011 to uniformly implement the restrictions regarding the no-construction zone alongwith the Scheduled Roads/National Highways and Bye-pass in Ludhiana, Bathinda, Patiala and Abohar at par with other towns viz. Jalandhar, Hoshiarpur, Pathankot, Amritsar and the like.

Subsequently, the notification No.8/2/2001-4HGI1/3112 dated 27th September 2010 was

superseded by No.8/2/2001-4HG1 (PF) 1513 dated 24th May 2011 (R-5). It is pertinent to mention here that the Executive Committee in its Ist meeting held on 20.11.2014 (R-7) had taken into consideration, the matter with respect to uniformity to be made applicable so that in Ludhiana the restrictions regarding no construction zone are common with that of other towns viz Jalandhar, Hoshiarpur, Pathankot, Amritsar and the like. However, after detailed discussion, it was recommended that the No Construction Zone may be amended for only on both sides of Bye-pass from 100 metres to 5 metres. Further directions were also issued to issue public notices in the Newspapers for inviting objections/suggestions from the Public in this regard. This point was presented in the 29th Board Meeting and on the basis of the aforesaid recommendations, the Board had accorded its approval, accordingly, a notification vide No.2470 CTP (Pb.) SL-65 dated 08.06.2015 (already annexed as Annexure R-10) was issued.”

A perusal of the aforesaid averments in the Status Report clearly go to show that the main prayer made in the writ petition stands granted, thus, nothing survives in the PIL and the same accordingly stands consigned to record.

(Krishna Murari)
Chief Justice

(Arun Palli)
Judge

03.08.2018
Rajan

Whether speaking / reasoned:	YES
Whether Reportable:	NO