

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

**CWP No. 23593 of 2012
Date of Decision: 24.1.2018**

Haryana Urban Development Authority, Panchkula Petitioner
v.

**Chairman, Permanent Lok Adalat (Public Utility Services), Panchkula
and others**
.....Respondents

CORAM HON'BLE MR. JUSTICE RAKESH KUMAR JAIN

Present:- Mr. Padamkant Dwivedi, Advocate, for the petitioner

 Mr. Saurabh Mohunta, DAG, Haryana

 Mr. Raman B. Garg, Advocate, with
 Ms. Geetanjali Chhabra, Advocate, for respondent No. 3

RAKESH KUMAR JAIN, J (Oral) :

 This petition is filed by the Haryana Urban Development Authority (for short 'HUDA') to challenge the order of the Permanent Lok Adalat, Panchkula, dated 13.12.2011, by which the HUDA and Municipal Corporation, Panchkula (for short 'the MC') have been directed to take steps as are necessary to prevent the cattle menace in the urban area of Panchkula.

 In short, controversy started when an application under Section 22C of the Legal Services Authorities Act, 1987 (for short 'the Act') filed before the Permanent Lok Adalat, making a complaint against the unhygienic conditions caused by excreta of stray animals (cows, dogs etc.) on the streets/area coming under the control of HUDA and MC.

 The stand taken by the petitioner before the PLA was that after developing the sectors in the urban area of Panchkula, the said areas were

handed over to the MC for future maintenance by way of an agreement. Therefore, the liability is of the MC to keep the area, under his control, free from cattle menace much less remove the excreta of the stray animals or even the dead animals from the roads and parks. The PLA while disposing of the application has though taken note of the existence of the contract between the parties but put the liability both on HUDA and MC for maintaining the congenial living environment in the urban area of Panchkula.

Main argument of learned counsel for the petitioner is that HUDA is not liable to maintain the sectors/areas, which are handed over for maintenance to the MC by executing an agreement.

Learned counsel for the MC, after taking instructions from O.P. Sihag, Executive Officer, has admitted its liability and obligations to maintain the area free from stray cattle menace and also from un-hygienic substance created by them. At the same time, it is submitted that the area which are not given to MC by HUDA by way of an agreement, is to be maintained by the HUDA itself.

This aspect of the matter is also admitted by learned counsel for HUDA.

Thus, net result is that the areas, which after development has been handed over by the HUDA to the MC by way of an agreement, shall be the responsibility of the MC, to provide healthy living environment and free from cattle menace and the areas which are not handed over, shall be looked after by the HUDA. Both HUDA and MC shall perform their respective duties in terms of the Haryana Urban Development Authority Act, 1977 (applicable to HUDA) and the Haryana Municipal Corporation Act, 1994

(applicable to MC).

With these observations, the present petition is disposed of.

(RAKESH KUMAR JAIN)
JUDGE

24.1.2018

Ashwani

Speaking/Reasoned
Reportable

Yes/No
Yes/No