

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

CWP-12232-2018 (O&M)

Date of Decision: 16.05.2018

Damanpreet Singh Bhikhi

... Petitioner

Versus

State of Punjab & others

... Respondents

**CORAM:- HON'BLE MR. JUSTICE AJAY KUMAR MITTAL,
ACTING CHIEF JUSTICE.**

HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. I.S. Luthra, Advocate for the petitioner.

...

TEJINDER SINGH DHINDSA, J.

Petitioner has filed the instant petition in public interest seeking issuance of a writ of mandamus for initiating necessary action as also demolition of a six stories building/complex in the green belt of Atam Nagar Cooperative House Building Society, Ludhiana stating the same to be unauthorized. Further prayer is for directing respondent No.1 to constitute a Special Investigation Committee to inquire into the misdeeds of the officers and staff of the Municipal Corporation, Ludhiana in not curbing the alleged illegal and unauthorized constructions in Ludhiana.

Learned counsel for the petitioner would submit that the construction in question is unauthorized and the competent authority had

already passed orders of demolition but the Municipal Town Planner, Municipal Corporation, Ludhiana has only sealed the building and is not carrying out demolition on account of extraneous reasons. It is contended that the instant petition is maintainable in the form of Public Interest Litigation (in short 'PIL') as the cause sought to be raised is the unplanned construction in the city of Ludhiana and which is emerging as a concrete jungle.

We have heard learned counsel at length and have perused the pleadings on record.

The guidelines to entertain the public interest petition have been laid down under the Maintainability of Public Interest Litigation Rules, 2010 (for short 'the 2010 Rules'). Clause 6 of the 2010 Rules would be relevant to the issue at hand and is reproduced hereunder:

“6. Ordinarily, the PIL may be entertained on any subject of vital public importance, such as:

(a) Bonded Labour matters.

(b) Neglected Children.

(c) Petitions from riot victims.

(d) Petitions complaining of harassment or torture of persons belonging Scheduled Castes, Scheduled Tribes and other Backward Classes by the others or by the police.

(e) Petitions pertaining to environmental pollution, disturbance of ecological balance, forest and wild life.

(f) Petitioners complaining violation of human rights.”

We are of the considered view that the nature of grievance set down in the petition does not fall within Clause 6 of the 2010 Rules under which PIL may ordinarily be entertained. The entire thrust of the petition is with regard to alleged violation of provisions of the Punjab Municipal

Corporation Act in relation to certain constructions having been effected. The petition is completely bereft of any pleadings as regards the Society in question having taken recourse in accordance with law against the order of demolition which as per petitioner has been passed. In any event, the issue with regard to unauthorized construction in a particular locality and the same being in violation of the applicable building bye-laws are matters to be agitated in appropriate proceedings and would not ordinarily fall within the domain of this Court while entertaining a writ petition in public interest.

We are further of the considered view that the petitioner has no *locus standi* to file the present writ petition in the nature of Public Interest Litigation.

Petitioner has simply averred that he is a non-political person, is an RTI and social activist as also a crusader against corruption. Such averments have not been substantiated by any material on record. It is also not forthcoming in the petition that as to whether petitioner had earlier in point of time raised any grievance before any forum in relation to the unauthorized construction in the city of Ludhiana. The 2010 Rules had been examined by a Division Bench of this Court in **Ajaib Singh & another Versus State of Punjab & others, 2013 (4) PLR 367** and it had been observed that the expression “specifically disclose his credentials” imply that a person invoking the PIL jurisdiction of this Court has to set forth what public interest he has been espousing in the past and the work done by him in that behalf. We find that the instant petition is completely lacking on such aspect.

For the reasons recorded above, the present petition is held to be not maintainable at the behest of the present petitioner and the same is accordingly dismissed.

(AJAY KUMAR MITTAL)
ACTING CHIEF JUSTICE

(TEJINDER SINGH DHINDSA)
JUDGE

16.05.2018

harjeet

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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |