

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

**RSA No.72 of 2010
Date of Decision:19.02.2018**

Preeti Nagar Residents Welfare Society

...Appellant

Versus

State of Haryana and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr.Anurag Jain, Advocate for the appellant.
Mr.Saurabh Girdhar, AAG, Haryana.
Mr.Dheeraj Chawla, Advocate for respondent No.3.
Mr.Prateek Mahajan, Advocate for respondent No.4.

ANIL KSHETARPAL, J. (ORAL)

Plaintiff, a members of Residents Welfare Society, is in the regular second appeal against the concurrent findings of fact arrived at by the courts below.

Plaintiff-Society filed a suit for permanent injunction, restraining defendant No.4 from carrying out commercial activities in a residential area.

Both the courts have concurrently found that the property is situated on the main road and there are 20 more commercial establishments in the same colony, which are also carrying out similar activities.

Learned counsel for the appellant was repeatedly asked why defendant No.4 has been singled out and why the suit has not been filed against the remaining residents of the colony who are carrying out commercial activities. Learned counsel for the appellant has submitted that

since a weighbridge has been installed by the respondent, therefore, there is nuisance. He was pointed out that there is another weighbridge on the same road in the same colony just 6 or 7 plots away. He admits existence of the aforesaid weighbridge. The witnesses, who appeared on behalf of the appellant, also admitted the existence of another weighbridge. But there is no explanation as to why the suit has not been filed against that plot holder.

Both the courts have concurrently found that number of commercial establishments have been set up on the plots which are located along the main road. Therefore, the courts have directed the Municipal Corporation to take appropriate steps for regularisation of the commercial activities as per the provisions of the Haryana Municipal Corporation Act, 1994.

In view thereof, this Court does not find any good ground to interfere in the concurrent findings of fact arrived at by the courts below. The present regular second appeal is dismissed. Pending application, if any, shall also stand disposed of.

19.02.2018
mks

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No