

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

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RSA-2170-2017 (O & M)
Date of Decision:10.08.2018

Gagandeep Singh

...Appellant

Versus

Municipal Corporation, Amritsar and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Veneet Sharma, Advocate
for the appellant.

ANIL KSHETARPAL, J.(Oral)

Plaintiff-appellant is in the regular second appeal against the concurrent findings of fact arrived at by the Courts below while dismissing the suit challenging notice issued by the Municipal Committee or Municipal Corporation, Amritsar for demolishing ramp, which had constructed by the plaintiff outside his house encroaching upon the street.

Both the Courts after examining the evidence have found that such ramp was constructed without seeking permission from the Municipal Corporation and it is in fact an illegally constructed ramp, encroaching upon the area of street. DW-3-Madhvi Building Inspector from the Corporation has appeared in evidence and has supported that fact.

Although, learned counsel appearing for the appellant submitted that every one has constructed similar ramp, therefore, appellant is also entitled to construct, however, there cannot be any plea of discrimination which can be taken in negative. If other residence of the area have also encroached upon, Municipal Committee/Municipal Corporation

would be free to take action. But on such basis, plaintiff-appellant cannot be granted any relief.

Hence, there is no ground to interfere.

Regular second appeal is dismissed.

All the pending miscellaneous applications, if any, are disposed of, in view of the above said judgment.

10.08.2018
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(ANIL KSHETARPAL)
JUDGE

Whether Speaking/Reasoned: Yes/No
Whether Reportable : Yes/No