

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

CWP-(PIL)-105-2020 (O&M)

Date of decision:- 18.08.2020

Anita

...Petitioner(s)

Versus

Municipal Corporation of Gurugram and others

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE RAVI SHANKER JHA, CHIEF JUSTICE
HON'BLE MR. JUSTICE ARUN PALLI

Present: Mr. Choudhary Ali Zia Kabir, Advocate,
Mr. Haider Ali, Advocate,
for the petitioner.

Mr. Deepak Balyan, Additional Advocate General, Haryana.

Mr. Pankaj Gupta, Advocate,
for respondent No. 6 – UOI.

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RAVI SHANKER JHA, C.J. (ORAL)

With the consent of learned counsel for the parties, the matter is being taken up and heard via video conferencing.

This petition has been filed by way of public interest litigation allegedly espousing the cause of certain encroachers of Shyam Jha Slum Colony, Gurugram.

It is alleged that the respondent-authorities have taken up an anti-encroachment drive and have already removed several jhuggies. It is prayed that the respondents should be prohibited from taking up fresh demolition activity; to release the confiscated movable properties of the slum dwellers and to provide relief of rehabilitation in accordance with the policy prevalent in the State of Haryana.

The petitioner has also prayed for a direction to the State of Haryana to formulate a rehabilitation policy in terms of the Supreme Court's judgement and observations and to provide compensation to each of the family of displaced persons.

From a perusal of the petition, it is apparent that the petitioner

and who have not raised any objection or grievance against the action taken by the respondent-authorities. There is nothing on record to indicate that the petitioner has been authorized by the aggrieved persons, if any, to espouse their cause. There is also nothing on record to indicate that any of the encroachers who have been removed from the forest area or the slums have at any point raised any grievance in that regard. A perusal of the petition further indicates that the authorities have undertaken the drive to remove all encroachments from the forest land and the government land abutting thereto and that the action being taken by the respondents is in accordance with law. A perusal of the petition further indicates that there has been no grievance raised by any of the encroachers for rehabilitation or any complaint regarding denial of benefit under any rehabilitation policy. It is also evident from the documents filed by the petitioner that the encroachments have been removed pursuant to the orders issued by the National Green Tribunal which had prohibited all non-activities in the forest land and directed removal of the encroachments. Apparently, the action taken by the respondent-authorities appears to be in public interest and in accordance with law.

In the circumstances, we find no reason to entertain the present petition which has been filed by way of public interest under some misconception.

The petition is accordingly dismissed with an observation that in case any of the persons or individual are aggrieved by the action of the respondents, they would be at liberty to avail the remedy available to them in accordance with law.

(RAVI SHANKER JHA)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

18.08.2020
Amodh

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No