

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP-15892-2020

Date of decision : 30.09.2020

Area Social Welfare Association

... Petitioner

Versus

State of Punjab and others

... Respondents

**CORAM: HON'BLE MR. JUSTICE RAJIV SHARMA  
HON'BLE MR. JUSTICE HARINDER SINGH SIDHU**

Present: Mr.A.K.Maleri, Advocate  
for the petitioner.  
Ms.Anu Pal, DAG, Punjab.

**RAJIV SHARMA, J.**

This case has been taken up for hearing through video conferencing.

The petitioner “Area Social Welfare Association Phase XI, SAS Nagar, (Mohali)” is a Registered Body. According to the averments made in the writ petition, large number of street vendors and daily fruit and vegetable vendors have encroached upon open space in front of the residential houses of HIG residents in Phase XI. They have also set up temporary kiosks on the footpath without getting the licence from the competent authority.

The petitioner society has sought directions to remove the street vendors and fruit & vegetables vendors from unauthorized encroachment of an open space in front of residential houses of HIG Phase XI, SAS Nagar (Mohali).

The scope of the writ petition is enlarged.

The public paths, footpaths, open spaces, parks, corridors, streets, roads cannot be permitted to be encroached upon. It is the duty cast upon the statutory authorities to ensure that no unauthorized construction takes place in

public places. The encroachment of public paths, footpaths, open spaces, parks,

corridors, streets, roads causes immense hardship to the public at large. The State is the custodian of the public property.

In the present case, the statutory authorities are remiss in discharge of their statutory duties.

Accordingly, the present writ petition stands disposed of at the admission stage. The respondents are directed to remove all illegal and unauthorized encroachments from public paths, footpaths, open spaces, parks, corridors, street, road and pavement within the municipal limits of Municipal Corporation, Mohali, within a period of 6 months strictly in accordance with law after following principle of natural justice.

The statutory authorities are directed to also initiate disciplinary proceedings within three months against the officers/ officials, in whose tenure the encroachment and unauthorized constructions have taken place within the municipal limits of Municipal Corporation, SAS Nagar (Mohali).

The Commissioner, Municipal Corporation, SAS Nagar (Mohali) and the Chief Administrator, Greater Mohali Area Development Authority (GMADA) shall be personally responsible to implement and execute the order. The Senior Superintendent of Police, SAS Nagar (Mohali) is directed to render all assistance to the statutory authorities.

**(RAJIV SHARMA)**  
**JUDGE**

**(HARINDER SINGH SIDHU)**  
**JUDGE**

**September 30, 2020.**

*Davinder Kumar*

Whether speaking / reasoned

Yes/No

Whether reportable

Yes/No