

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No.21457 of 2020
Date of decision: 18.12.2020

Saurabh Kumar Attri

.... Petitioner

Versus

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA
HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Aalok Jagga, Advocate
for the petitioner.

KARAMJIT SINGH, J.

The petitioner has prayed for issuance of a writ of mandamus directing respondent No.1 to remove the unauthorized encroachments made by different persons in Janta Market, Phase 3B1, Mohali, with further prayer to lay down the guidelines for the respondents to avoid such type of encroachments in future.

2. As prayed in the petition, the petitioner is the owner of booth No.311 in the aforesaid market. His wife was running a gift shop in the said booth. In September 2019, the wife of the petitioner noticed that the other shopkeepers had encroached public pathways and put up illegal hoardings in the said market, thus causing inconvenience to the general public. Some of the shopkeepers had also illegally constructed basements, posing danger to the adjoining shops. The owner of booth No.307, which is diagonally opposite to the booth of the petitioner, had constructed basement illegally, thus

causing immense danger to the safety of the adjoining booths. The petitioner repeatedly made requests to the shopkeepers as well as the concerned authorities to remove the said encroachments. He also gave representation dated 29.07.2020 (Annexure P-18) in this regard to the respondents, but they failed to take any action.

3. We have heard the learned counsel for the petitioner and gone through the record.

4. Leaned counsel for the petitioner vehemently argued that that the illegal encroachments made by the shopkeepers in Janta Market Phase 3B1, Mohali are visible in photographs (Annexure P-4 to P-12). The pathways meant for general public have been encroached by the shopkeepers, as is clear from the abovesaid photographs. It is further contended that some of the shopkeepers had illegally constructed basements in their booths, thereby endangering the adjoining booths. It is further argued that earlier there was 'rehri market', at the spot, which was gutted in fire in 2007. That even now, no proper measures for fire fighting are there in the market. In this regard, even the Fire Station Officer had written to the concerned authorities as is clear from Annexures P-21 and P22. The petitioner being owner of booth No. 311 in the said market is concerned about the said rampant encroachments and violations. It is further contended that the petitioner also approached the concerned authorities and gave representation (Annexure P-18) to them, but to no avail. Learned counsel for the petitioner further contended that the encroachment of public paths and open spaces in the aforesaid market

by the shopkeepers, causes great hardship to the public at large. Learned counsel for the petitioner further argued that certain suggestions have been given in para No.18 of the petition, to avoid recurring encroachments and for removal of encroachments which are already existing at the spot. The respondents being the custodians of the public property are under duty to remove all the said illegal and unauthorized encroachments and accordingly necessary directions be issued to them, by this Court.

5. We have considered the submissions made by the learned counsel for the petitioner.

6. During arguments, it transpired that the petitioner is mainly aggrieved due to construction of basement by the owner of booth No.307, which is diagonally opposite to his booth. The main concern of the petitioner is that the said illegal construction of basement would endanger and weaken, his booth No.311.

7. We are of the view that the present petition is in the shape of public interest litigation, however, it is nothing but a camouflage to foster his own personal dispute with the owner of the neighbouring booth. It appears that the petitioner is not genuinely concerned in public interest and has filed this petition for ventilating private dispute with his neighbour. Such type of writ cannot be invoked by a private person to further his personal cause. We are also of the view that as no real and genuine public interest was involved in the present litigation, it deserves to be thrown out at the threshold, with exemplary costs.

8. Consequently, this writ petition is hereby dismissed. But we refrain from imposing any costs, due to prevalent Covid-19 pandemic.

**(RAJAN GUPTA)
JUDGE**

**(KARAMJIT SINGH)
JUDGE**

18.12.2020
Dinesh

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No