

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

205

Date of Decision: December 17, 2020

1. CWP-29924-2019 (O&M)

Parveen and others

... Petitioners

Versus

State of Punjab and others

... Respondents

2. CWP-15586-2020 (O&M)

Deepak Kumar Bhandari and others

... Petitioners

Versus

State of Punjab and others

... Respondents

**CORAM: HON'BLE MR. JUSTICE S.N. SATYANARAYANA
HON'BLE MR. JUSTICE GIRISH AGNIHOTRI**

Present: Mr. J.S. Thind, Advocate,
for the petitioners in CWP-29924-2019, and
for respondent No. 5 in CWP-15586-2020.

Mr. Akhilesh Vyas, Advocate,
for the petitioners in CWP-15586-2020, and
for respondent No. 6 in CWP-29924-2019.

Ms. Anu Pal, Deputy Advocate General, Punjab.

Mr. Ashish Grover, Advocate,
for respondent No. 2.

Mr. Sanjeev Soni, Advocate.
for respondent No.3.

Mr. Sanjiv Pabbi, Advocate,
for respondent No. 5 in CWP-29924-2019.

S.N. SATYANARAYANA, J. (Oral)

These two writ petitions are filed by the persons who are owners of plots formed in a private layout viz. Jawala Estate, which is a layout consisting of residential and commercial plots. The 5th respondent in

the first writ petition, bearing CWP No. 29924 of 2019, is the Jawala Estate represented by its proprietor and the 6th respondent is a person said to be the owner of Shop Nos. 5 & 6 in the said project and also a Reporter. The said 6th respondent, who is said to be well connected, is misusing the private area belonging to all the residents of the Jawala Estate, for his personal use by enclosing the same and that he is also running private parking business in the common land of the said project.

In the connected Civil Writ Petition No. 15586 of 2020, the petitioners, who are also owners of plots in the same project, i.e. Jawala Estate, allege that some of the persons, arraigned as respondents Nos. 6 to 10 in the said petition, are owners of plots adjacent to green belt available in the said project. The grievance of the petitioners is that, the said respondents are utilizing the open green belt abutting their property as their private property, though it is common property of the owners of plots in the aforesaid project.

In both writ petitions serious allegations are made against the Commissioner of Municipal Corporation, Amritsar and the Deputy Commissioner, Amritsar, who are 3rd and 4th respondents respectively, in both writ petitions. It is alleged that they are not taking any action against the encroachers, due to pressure from political bigwigs no action is taken against encroachment made by 6th respondent in the first petition and other respondents in the second connected writ petition.

When this matter is heard today in the presence of the learned counsel appearing for the petitioners and as well as contesting respondents, the counsel for 3rd respondent, through the statement of objection filed on its behalf brought to our notice that, the alleged encroachment in the premises of Jawala Estate by shop owners in erecting grills to encroach into

common area, is cleared by removing the grills erected unauthorizedly, by the 6th respondent. Similarly the bamboo barriers and other type of compound erected by other respondents in the connected writ petition is also removed. The counsel for 3rd respondent also tried to affirm the said statement taking us through the photographs available on record. On going through the same and also the averments in the reply filed by respondent No. 3, would clearly indicate in Para 10 that, some of the shopkeepers had put grills in the verandah in front of their shops and also the encroachments by the respondents in the second writ petition, which is in the form of erecting bamboo barrier, providing gate to green belt area from their property for their exclusive use, is cleared.

Learned counsel Mr. Sanjeev Soni, appearing for respondent No. 3, submits that the Municipal Corporation has taken all the steps to clear the encroachments. It is also submitted that there is an attempt by the shopkeepers in opening a gate towards the green belt area and trying to utilize the same as private property and his submission that grievance of the petitioners in preventing them from utilizing the land also, is attended to.

In the aforesaid circumstances, we accept the submission of learned counsel for 3rd respondent and his undertaking on behalf of 3rd respondent, that the Municipal Corporation, Amritsar, will protect the green belt in the 5th respondent, and ensure that there will be no further encroachments into any portion of green belt by any of its adjacent plot owners, who are either respondents in these two writ petitions or any other persons similarly situated and that if any encroachment is still existing the same will be cleared.

In the aforesaid circumstance nothing survives for

Accordingly, these writ petitions are disposed of. While doing so we reserve liberty to the petitioners herein to approach this Court, either against 6th respondent in CWP No. 29924 of 2020 or respondents No. 6 to 10 in CWP No. 15586 of 2020 and or any other person(s) who try to encroach into any portion of the green belt which is reserved for the benefit of all the members of 5th respondent. It is also open for the petitioners to approach the 3rd respondent - Municipal Corporation, Amritsar, to seek removal of the same.

In view of the main petitions being disposed of, nothing survive for consideration in the applications which are pending and the same also stand disposed of.

(S.N. SATYANARAYANA)
JUDGE

(GIRISH AGNIHOTRI)
JUDGE

December 17, 2020
Vvishal

1. Whether speaking/reasoned?	Yes/No
2. Whether reportable?	Yes/No