

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

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CRM-M-9760-2021.

Date of Decision: 02.03.2021.

Gulab Singh

....Petitioner.

Versus

State of Haryana and another

....Respondents.

CORAM: HON'BLE MR. JUSTICE LALIT BATRA

Present: Mr. Sharad Choudhary, Advocate for petitioner.

Lalit Batra, J.(Oral)

Case has been taken up for hearing through Video Conferencing.

This petition under Section 482 Cr.P.C. has been moved by petitioner impugning the legality of order dated 03.02.2021 (Annexure P/3) rendered by Sub-Divisional Magistrate, Charkhi Dadri, in Case No.924-4 titled “ Smt. Meena Devi Vs. Gulab Singh”, in terms of which, petitioner has been advised to remove the hatchery from the residential area within a period of one month, failing which it has been ordered that criminal proceedings under Section 133 Cr.P.C. would be launched against him.

Learned counsel for the petitioner *inter alia* contends that petitioner has kept few country cocks/hens under the “Backyard Poultry Units Scheme” of Government of Haryana, in the backyard of his house and as such he has not opened any hatchery. He further urges that house of respondent No.2 is situated at distant place from the house of petitioner, thus, no bad odour reaches her house, therefore, activity of petitioner does

Having heard learned counsel for the petitioner and perusal of record, this Court is of the considered opinion that it has been rightly held by Sub-Divisional Magistrate, Charkhi Dadri, vide impugned order dated 03.02.2021 that petitioner is running a hatchery in a residential area, due to which bad odour emits and as a result of which, no person can stay in that vicinity, therefore, it amounts to 'Public Nuisance' so as to attract the rigours of provisions of Section 133 Cr.P.C.

In view of above, no ground is made out calling any intervention in the impugned order dated 03.02.2021 (Annexure P/3) and, thus, instant petition being devoid of merits, is dismissed in limine.

(LALIT BATRA)
JUDGE

02.03.2021
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Whether speaking/ reasoned : Yes/ No
Whether Reportable : Yes/ No