

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

111

**CWP-7465-2021(O&M)
Date of Decision : 1.4.2021**

Raja Impex Private Limited and others Petitioners

Versus

The State of Punjab and another Respondents

**CORAM : HON'BLE MR.JUSTICE AJAY TEWARI
: HON'BLE MR.JUSTICE RAJESH BHARDWAJ

Present : Mr. Abnash Singh, Advocate
 for the petitioners.

AJAY TEWARI, J. (Oral)

1. This writ petition has been filed under Articles 226/227 of the Constitution of India for issuance of writ in the nature of certiorari for quashing the impugned order dated 26.2.2021 (Annexure P-10) passed by the Commissioner, Municipal Corporation, Ludhiana.

2. Learned counsel for the petitioners has argued that the plea raised by the petitioner regarding conversion of what is claimed to be a park into a garbage collection area has been declined. It may be mentioned here that this order has been passed pursuant to an earlier petition filed by the petitioner in this Court. In the impugned order, the Commissioner has noticed the contentions of the petitioners but has gone on to hold that firstly, this open area was never formerly declared to be a park and secondly, it has now been used to erect a garbage compactor because in the absence of that the garbage of industrial area where this park is situated has multiplied manifold and is causing a lot of civic problems.

3. Learned counsel has argued that in many such cases residents have approached the National Green Tribunal (for short 'the Tribunal) and the Tribunal is looking into such issues.
4. In our opinion, it would be the right Forum because the Tribunal is an expert body who can go into which competing claim has to be given precedence in which case.
5. Consequently, the petition stands dismissed leaving the petitioner to avail remedy before the Tribunal.
6. Since the main case has been dismissed, the pending application, if any, also stands dismissed.

(AJAY TEWARI)
JUDGE

(RAJESH BHARDWAJ)
JUDGE

1.4.2021
anuradha

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