

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

210

CWP-6811-2020(O&M)
Date of Order: 09.12.2021

MAKHAN SINGH

..Petitioner

Versus

STATE OF PUNJAB AND OTHERS

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. V.K. Sandhir, Advocate
for the petitioner.

Mr. Nikhil Chopra, Addl. A.G., Punjab.

Mr. Sanjeev Soni, Advocate
for respondent No.3 and 4.

Dr. Anmol Rattan Sidhu, Sr. Advocate with
Mr. Maninder Pal Singh, Advocate for
respondent No.5.

Mr. Sandeep Rishi, IAS, Commissioner,
Municipal Corporation, Amritsar.

ANIL KSHETARPAL, J(Oral)

On 28.10.2021, the following order was passed:-

“The hearing of the case was held through video conferencing on account of restricted functioning of the Courts.

CM-14209-CWP-2021

Allowed as prayed for. Sh.Maninder Pal Singh is added as respondent no.5. Amended memo of parties is taken on record.

Main case

Through this writ petition, the petitioner prays for issuance of a writ in the nature of Mandamus to direct respondent no.3 and 4 to take action against respondent no.5. The petitioner alleges that respondent no.5 is running a guest house, bar and restaurant by merging three properties into a single unit, in a residential area. Learned counsel representing the petitioner has drawn the attention of the Court to the order dated 14.11.2019 passed by the Municipal Corporation, Amritsar, directing respondent no.5 to stop the non-residential use of the building. The petitioner alleges that since respondent no.5 failed to stop the commercial activity, therefore, the building was sealed. Subsequently, respondent no.5 illegally broke open the seals put by the Municipal Corporation and started misusing the premises. The

Municipal Town Planner, on receipt of the information that the seals have been broken open, got lodged an FIR no. 25 dated 20.01.2020. The petitioner alleges that no action, thereafter, has been taken against respondent no.5.

In the considered view of the Court, the matter is serious in nature. Hence, the Principal Secretary, Local Self Government, Punjab, is directed to file a status report, after personally visiting the site, within a period of 7 days. It is also expected that the reasons for not taking an action against respondent no.5 shall also be disclosed in the status report.

Notice of motion.

At the request of the Court, Mr. Navdeep Chhabra, DAG, Punjab, accepts notice on behalf of respondent no.1 and 2.

Let notice be issued to respondent no. 3 to 5 for 10.11.2021.

Dasti only.

It shall be the responsibility of the Director, Local Self Government, Punjab, to inform not only the Municipal Corporation, Amritsar, but respondent no.5 also, in this regard.”

On the next date of hearing, Sh. Ajay Kumar Sinha, Principal Secretary, Department of Local Government, Punjab, filed an affidavit admitting the correctness of the contentions of the learned counsel representing the petitioner. The Court was also informed that the portion of the building which was used for commercial purpose has been sealed, once again.

The Municipal Commissioner, Sh. Sandeep Rishi, IAS, Municipal Corporation, Amritsar, is present in the Court. He stated that the respondent No.5 shall not be permitted to carry out any commercial activity from the premises, which has now once again been put under seal. He further submits that disciplinary proceedings against six officials of the Municipal Corporation, Amritsar have been initiated.

The facts of the case presents a very sad reflection of the working of the officers of the Municipal Corporation. It is unfortunate that a

direct the officials to let him enjoy a peaceful living in a residential area. This Court has been made to understand that the disciplinary proceedings have been initiated against the Municipal Town Planner, Sh. Narinder Sharma and Sh. I.P.S. Randhawa, Assistant Town Planner, Sh Parminderjit Singh and Jagdev Singh (Retd.) and Building Inspector Ms. Kulwinder Kaur and Dinesh Kumar.

Keeping in view the facts of the case, the Principal Secretary is requested to examine the matter and take suitable steps to avoid any repetition of the same behaviour towards the people. He is also requested to examine the feasibility of initiating the disciplinary proceedings against the senior officers of the Municipal Corporation for their deliberate inaction. While disposing of the writ petition, the Principal Secretary is requested to submit a status report within one month, positively, from today.

The petitioner will be at liberty to file an application for revival, if the occasion arises.

All the pending miscellaneous applications, if any, are also disposed of.

December 09, 2021

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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned	: Yes/No
Whether reportable	: Yes/No