

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

SMRITI
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CWP-17838-2021

Date of Decision: 09.09.2021

RAJESH KUMAR AND ORS

... PETITIONERS

VS.

STATE OF PUNJAB AND ORS

.. RESPONDENTS

**CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA
HON'BLE MR. JUSTICE VIVEK PURI**

Present : Ms. Rupinder K. Thind, Advocate,
for the petitioners.

TEJINDER SINGH DHINDSA , J.(ORAL)

Petitioners, who are four in numbers, are stated to be residents of Jawala Estate, Haripura Road, Amritsar.

The instant writ petition is directed against notices appended at Annexures P-12, P-14, P-15 and P-19 to P-22 issued by the fourth respondent i.e. the Municipal Town Planner, Municipal Corporation, Amritsar, calling upon the petitioners to remove certain encroachment(s).

We may notice that vide common order dated 17.12.2020 a Division Bench of this Court had dealt with two writ petitions i.e. CWP-29924-2019 (Parveen and others vs. State of Punjab and others) and CWP-15586-2020 (Deepak Kumar Bhandari and others vs. State of Punjab and others), wherein also an issue had cropped up with regard to misuse of certain area/green belt within the same very Jawala Estate. Both the writ petitions were disposed of vide common order dated 17.12.2020 (Annexure P-11) in the following terms:-

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 consideration in these petitions.

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”

The notices that have been now assailed in the instant petition are purportedly pursuant to the directions issued by this Court on 17.12.2020 (Annexure P-11).

Counsel having argued the matter at some length seeks withdrawal of the writ petition and submits that the impugned notices would be duly responded to and the matter would be agitated before the Municipal Corporation Authorities itself.

Disposed of as withdrawn.

We have not opined on the merits of the case.

(TEJINDER SINGH DHINDSA)
JUDGE

(VIVEK PURI)
JUDGE

09.09.2021
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Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No