

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

ASHOK KUMAR
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CWP No.20948 of 2021

Date of decision: 12.10.2021

Anil Goyal and ors.

..Petitioners

Versus

The Commissioner, Municipal Corp., Ludhiana and ors.

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Aayush Gupta, Advocate for the petitioners.

ANIL KSHETARPAL, J (Oral)

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

The petitioners who are residents of Pink city, Basti Jodhewal, Ludhiana, pray for issuance of a writ in the nature of mandamus directing the official respondents to take action against respondent No.4 (Varinder Gumber Jony) for constructing a temple on the residential plot.

The petitioners do not dispute that the plot in question is owned and possessed by respondent No.4. The petitioners allege that in a residential area, a temple cannot be constructed. The petitioners have not placed on record the town development plan prepared by the District Level Planning Committee in accordance with Article 243ZD of the Constitution of India in order to prove that the area in question is reserved exclusively for residential buildings. Moreover, the disputed question of facts are likely to be involved in the writ petition. Hence, the petitioners are relegated to the alternative remedy.

Disposed of.

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

12.10.2021

(ANIL KSHETARPAL)

ashok

JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No