

LPA-1247-2021(O&M)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(PROCEEDINGS THROUGH V.C.)

LPA No.1247 of 2021 (O&M)
Date of decision : 23.12.2021

Khushvinder Pal

.....Appellant

VERSUS

State of Haryana and others

....Respondents

CORAM:- HON'BLE MR.JUSTICE AUGUSTINE GEORGE MASI
HON'BLE MR JUSTICE SANDEEP MOUDGIL

Present: Mr. Ankush Rampal, Advocate for the appellants.

AUGUSTINE GEORGE MASI, J. (ORAL)

CM-2917-LPA-2021

For the reasons stated in the application, the same is allowed.
Exemption is granted from filing certified/typed copies of the impugned judgment and paper book i.e. CWP No.23941 of 2012 and photocopies of the same are taken on record, subject to all just exceptions.

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Challenge in this appeal is to the order dated 07.12.2021 passed by the learned Single Judge, whereby the writ petition preferred by the appellant vide which the order for sealing of the premises where the appellant was running his dairy farm was challenged, has been dismissed.

It is the contention of the learned counsel for the appellant that the appellant may be granted a period of four months for shifting his dairy

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farm from the present place.

The said prayer of the appellant cannot be accepted in the light of the fact that earlier also, the appellant had approached this Court, where he was given an opportunity to make alternative arrangement. In the year 2018, appellant himself made aware of the fact that he will have to shift his dairy business out of the municipal limits, in pursuance thereto the appellant had sought time for shifting his dairy farm from the premises. Now a notice has also been issued to the appellant for shifting his dairy farm, failing which the premises would be sealed. Learned Single Judge has rightly come to a conclusion that the prayer of the appellant cannot be accepted.

It is an admitted position that the area, where the appellant is running his dairy farm, is situated within the municipal limits of Yamuna Nagar. Since a policy decision has been taken for shifting the dairies from the municipal limits, the appellant should have taken immediate steps for the said purpose. Appellant having given appropriate opportunities to shift his dairy farm and having failed to do so, the authorities have rightly proceeded to take action against him. We do not find any ground for interference in the present appeal and therefore, dismiss the same.

(AUGUSTINE GEORGE MASIH)
JUDGE

23.12.2021

Harish

(SANDEEP MOUDGIL)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No