

COCP-210-2020

Date of Decision : 22.03.2022

Ajay Saini

...Petitioner

Versus

Bhupinder Singh, Director, Department of
Local Body Punjab, Sector-35, Chandigarh

....Respondent

Coram : Hon'ble Mr. Justice B.S. WaliaPresent : Mr. Dinesh Mahajan, Advocate for the petitioner.
Mr. Ayush Sarna, AAG, Punjab.

B.S. Walia, J.

[1] Case is being taken up for hearing through Video Conferencing due to Covid-19 pandemic.

[2] Prayer in the petition is for initiating action against the respondent for intentional and willful defiance of order, Annexure P/1 dated 21.08.2019 in CWP No.21928 of 2019 in case titled as Ajay Saini vs. State of Punjab and others.

[3] A perusal of order, Annexure P/1 dated 21.08.2019 reveals that CWP No.21928 of 2019 was disposed of with a direction to the respondent to consider and decide representation dated 26.04.2019 within six weeks from the receipt of certified copy of the order and in case the competent authority concluded that the benefit claimed by the petitioner was admissible to him, consequential relief was to be granted to the petitioner within six weeks thereafter but in case the competent authority arrived at the conclusion that the relief claimed by the petitioner was not admissible or made out, in that case, a speaking order was required to be

[4] Learned counsel for the petitioner contends that the instant petition was filed on account of failure of the respondent to do the needful within the stipulated period of time.

[5] Learned AAG on the other hand refers to speaking order Annexure R-1/1, dated 08.09.2020 attached with the reply filed on behalf of the respondent. Relevant extract of the same is reproduced as under:-

“6. The matter has been discussed in detail. It comes out that the building in question is an unauthorized construction and within Municipal Limits, concerned Commissioner, Municipal Corporation is Competent Authority as per Punjab Municipal Act, 1976 to take action against the unauthorized constructions. Therefore, Commissioner, Municipal Corporation, Pathankot is hereby directed to take immediate action against the unauthorized construction as per Law/Rules/Instructions within time frame.

[6] As per paragraph No.6 of speaking order, Annexure R-1/1, the construction complained of has been found to be unauthorized but since the same is situated within the Municipal Limits, the Commissioner, Municipal Corporation being the competent authority has been directed to take immediate action against the unauthorized construction as per Law/Rules/Instructions within time frame.

[7] Faced with the aforementioned position, counsel for the

petitioner states that the petitioner does not press the instant petition and the same may be disposed of as such with liberty to the petitioner to take out appropriate proceedings against the Commissioner, Municipal Corporation, Pathankot in case the needful is not done.

[8] In view of the position noted above as well as statement of learned counsel for the petitioner, the instant petition is disposed of as not calling for any action against the respondent under the Contempt of Courts Act, 1971 while granting liberty to the petitioner to pursue the matter with the Commissioner, Municipal Corporation, Pathankot and to take out appropriate proceedings in accordance with law, if the needful is not done by the Commissioner, Municipal Corporation, Pathankot within reasonable period of time.

(B.S. Walia)
Judge

22.03.2022
'Amit'

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