

[104] IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

COCN No.363 of 2019
Date of Decision :01.06.2022

Krishna Devi w/o Shri Raj Singh Rana ...Petitioner

versus

Jagjit Singh Shahi, Executive Officer, Municipal Corporation, Nayagaon, Tehsil Kharar, District SAS Nagar, Mohali.Respondent

Coram : Hon'ble Mr. Justice B.S. Walia

Present : Mr. Mohit Jaggi, Advocate for the petitioner.
Mr. Guninder Singh Brar, Advocate for the respondent.

B.S. Walia, J. (Oral)

[1] Prayer in the petition is for initiating proceedings against the respondent for intentional and willful defiance of order, Annexure P-1, dated 05.10.2018, in CWP No.25695 of 2018 in case titled as '**Krishna Devi versus State of Punjab and others.**'

[2] A perusal of order (Annexure P-1), reveals that CWP No.25695 of 2018, was disposed of by directing the respondent to look into representation dated 11.09.2018 and take action thereon if any required, expeditiously, preferably within 03 months from the date of receipt of certified copy of the order

[3] Reply / compliance report has been filed on behalf of the respondent alongwith photographs and CD, showing that the violations complained of in representation dated 11.09.2018 filed by the petitioner have been removed. The same is taken on record. Copy thereof supplied to learned counsel for the petitioner, who on perusal of the same, states

that all encroachments made by the neighbour of the petitioner namely Shamsher Singh have been removed except for the construction of a room on the aerial area of road 2 covering the window of the petitioner's house.

[4] *Per contra*, learned counsel for the respondent on instructions from Shri Saurav Anand, Clerk, states that in fact there is violation by the petitioner as he has raised construction without getting the plan sanctioned from the competent authority for which action is liable to be taken against him in accordance with the rules.

[5] Learned counsel for the respondent however states that in case the petitioner has raised construction as per sanctioned plan, it would be open to the petitioner to submit a representation within 01 week from the date of receipt of certified copy of the order *qua* his grievance of any encroachment still remaining as made by his neighbor namely Shamsher Singh and the same would be considered and decided by the respondent within 02 weeks thereafter and decision taken on the same would be intimated to the petitioner by registered post.

[6] The same satisfies learned counsel for the petitioner.

[7] Accordingly, in the light of the position noted above, 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 submit a representation to the respondent within 01 week from the date of receipt of certified copy of the order *qua* grievance, if any, regarding encroachment made by his neighbor still existing and in case any such representation is received, the same be considered and decided by the respondent within 02 weeks thereafter and

decision thereupon be communicated to the petitioner by registered post within 01 week thereafter.

[8] *Rule discharged.*

(B.S. Walia)
Judge

01.06.2022
'Rajneesh'

<i>Whether speaking/ reasoned</i>	:	<i>Yes/No</i>
<i>Whether reportable</i>	:	<i>Yes/No</i>