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

CRWP-5612-2022

Date of decision:05.07.2022

SHIV SHAMBHU SHARMA

...Petitioner

Versus

UT, CHANDIGARH AND ORS

...Respondents

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR

Present: Mr. Harshit Joon, Advocate
for the petitioner.

Mr. Amit Kumar Goyal, A.P.P. U.T. Chandigarh
for respondents No.1 to 4.

Mr. Srishti Sharma, Advocate
for respondents No.5 to 9.

Mr. Sapan Dhir, Advocate
for respondents No.12 to 18.

SURESHWAR THAKUR, J. (ORAL)

1. The petitioner, and, the private respondents are neighbours. The private respondents are engaged in manufacturing sweets and bakery items, and, the above manufacturing processes, are, undertaken at a commercial establishment *nomenclatured* as 'M/s Dildar Sweets'.
2. The petitioner in Annexure P-8 appended to the petition, and, addressed to the SSP, U.T. Chandigarh, has, made twofold grievances against the private respondents. The primary grievance pertains, to the private respondents, blocking the common passage of backside of Gali No.7. However, to support the afore grievance neither any tatima drawn by the revenue officer concerned, after his holding a valid demarcation of the site concerned, with clear descriptions therein, of the specific khasra number nor any corresponding entry in the

jamabandi, rather depicting the specific khasra number, hence shown in the tatima, to be a common passage, has been placed on record. In the wake of the above relevant documentary evidence not becoming appended with the petition, this Court, infers that the alleged common passage, which has been alleged to be encroached, upon, by the private respondents concerned, is neither a common passage hence for common user of the inhabitants concerned, nor *prima-facie* any encroachment thereons, has been made, at the instance, of the private respondents.

3. Be that as it may, the petitioner has also reared a grievance in the instant petition rather appertaining to the manufacturing processes entered, upon by the private respondents, at the commercial premises *nomenclatured* as 'M/s Dildar Sweets', hence causing pollution, as, arising from user of diesel fueled bhatti. However, a detailed status report has been filed by the Chandigarh Pollution Board concerned. A perusal of the status report instituted today, before this Court by the learned counsel for the Chandigarh Pollution Board concerned, rather completely negates the above made allegation against the private respondents concerned. Therefore, the above secondary grievance reared against the private respondents by the petitioner also does not call for any *mandamus* being passed against the Chandigarh Pollution Board concerned, to either take any appropriate action against the private respondents concerned, and, as may arise from pollution being caused in the locality concerned, and, as purportedly arises, from the user, at the manufacturing unit concerned, rather of a bhatti energized by diesel.

4. Lastly, the learned counsel for the petitioner submits with force before this Court, that there are life endangering threats meted by the private respondents to the petitioner, and, to support the above submission he has

drawn the attention of this Court to photographic evidence. However, the photographic evidence does not support the afore submission, whereas, the above submission could have been well supported by voice recordings containing intimidatory life endangering utterances being made by the private respondents against the petitioner, whereas, the above best electronic evidence is not on record.

5. Moreover, since the learned counsel appearing for the private respondents assures this Court, that previously no life endangering threats became meted to the petitioner by the private respondents, and, also assures this Court that hereafter also no altercations would occur amongst the petitioner, and, the private respondents, rather the private respondents shall ensure that peace, and, harmony will prevail in the locality concerned. Therefore, believing the afore made statement by the learned counsel for the private respondents, this Court does not deem it fit and appropriate, at this stage, to direct the co-respondents No.2 and 3, to draw any appropriate action, in accordance with law, in respect of any purported life endangering threats, as may purportedly have been meted by the private respondents, to the petitioner herein.

6. With the above made observation, this petition is closed, and, is disposed of accordingly.

05.07.2022

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(SURESHWAR THAKUR)
JUDGE

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