

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

114

CWP-17648-2022

Date of decision: 30.11.2022

SATNAM SINGH AND OTHERS

.....Petitioners

VERSUS

STATE OF PUNJAB AND OTHERS

.....Respondents

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present:- Mr. Lupil Gupta, Advocate
for the petitioners.

VINOD S. BHARDWAJ, J. (Oral)

The present writ petition has been filed under Articles 226/227 of the Constitution of India for seeking issuance of directions in the nature of mandamus directing the respondents-FCI to shift its warehouse godown and for shifting of the loading scales of the truck for the entire district.

Briefly summarized the averment contained in the petition that the respondent-FCI has established the godown in the city of Tarn Taran and that residential colony has sprung up around the said godown area. It is contended that due to the area becoming inhabited, the movement of trucks and the vehicles for shifting of the stock from the FCI godown causes a traffic hazard and as such the same ought to be shifted. He contends that the continuation of the operations of the godown in the said locality causes serious hazard to the residents.

Learned counsel for the petitioner has failed to refer to any pleading/document to show as to whether the godown in question was

constructed after the colony had come into operation or existed prior to the colony. The petition is also deficient and does not respond as to whether the colony where the petitioners are residing is an authorized colony and was established after seeking necessary approvals. There is also nothing to suggest as to whether the godown is in violation of any Town Planning Scheme or governing laws.

In the event the FCI warehousing godown was pre-existing, the petitioners were always aware of the existence of said warehouse. Shifting of such facilities entails fiscal consequences and cannot be at the pleasure of the residents of the locality. Besides, there are various parameters prescribed for establishing the FCI godowns including the availability of Railway yard. The distances are also prescribed since the surface transportation cost has to be incurred in the day to day operations. Prayer for shifting, without demonstrating any vested right of the petitioners-who are residents of the locality to claim the relief prayed for, cannot be allowed by the High Court under judicial review. A writ Court does not sit as a Town Planning Agency to decide as to where the facilities such as godowns etc. are to be established.

The present petition is accordingly dismissed in limine.

(VINOD S. BHARDWAJ)
JUDGE

NOVEMBER 30, 2022

Vishal sharma

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