

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

COCp-1321-2015 (O&M)
Date of decision: 15.03.2023

Mohinder Singh
.....Petitioner

Versus

Tejinder Pal Singh Sidhu
.....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Mohinder Kumar, Advocate
for the petitioner.

Mr. Suman Jain, Advocate
and Mr. Rishabh Jain, Advocate
for the respondent – MC Chandigarh.

Mr. Jaivir Chandail, Advocate for respondent No.2.

Mr. Anil Chawla, Advocate for respondent No.3.

Mr. Vikas Chatrath, Advocate
for the respondent No.4 – MC Nayagaon.

ARVIND SINGH SANGWAN J. (Oral)

The petitioner alleges violation of the order dated 07.08.2014 passed in CWP No.15633 of 2014, vide which while disposing of the writ petition, a direction was issued to respondent No.2 to look into the grievance of the petitioner and take appropriate steps to ease the traffic hazard by removing encroachments on road, in accordance with law.

Status report by way of affidavit of the Deputy Commissioner, S.A.S. Nagar, Mohali as well as the Deputy Commissioner, U.T., Chandigarh, are on record and as per the reply,

after conducting the spot inspection report, the necessary action has already been taken.

In para 6 of the affidavit of the Deputy Commissioner, U.T., Chandigarh, it is stated that as per the report dated 01.08.2017, the road leading from the Punjab Engineering College upto Village Khuda Ali Sher (Within UT Chandigarh), there is no encroachment and even from the Punjab Engineering College upto Nayagaon Turn (within UT Chandigarh), there is no illegal encroachments.

In the affidavit of the Deputy Commissioner, S.A.S. Nagar, Mohali, it is stated that the action was taken by the Executive Officer, Nagar Panchayat, Nayagaon and permanent constructions/encroachments were removed from Khasra No.227 falling in village Nayagaon (Karoran), Tehsil Kharar in co-ordination with Chandigarh Administration.

Counsel for the petitioner has placed on record a counter-affidavit along with certain photographs to submit that there is a traffic congestion.

Be whatsoever, it is not clear at what point of time, the photographs were taken as in every city there are rush hours when the heavy traffic is noticed.

In the application filed for placing on record the document Annexure P-11, counsel for the petitioner submits that he has obtained some report under the RTI Act from the Department of Urban Planning, Chandigarh to show that the width of the road from Junction No.1 (T point of Uttar Marg adjoining boundary wall of Engineering College,

Sector 12 Chandigarh) to Khuda Ali Sher is 24 feet 6 inch and therefore, there is a violation of the order.

Be whatsoever and in view of the affidavit filed by the Deputy Commissioner, S.A.S. Nagar, Mohali, as well as that of Deputy Commissioner, Chandigarh, the necessary action has already been taken and the illegal encroachment has already been removed.

Dismissed.

(ARVIND SINGH SANGWAN)
JUDGE

15.03.2023
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No