

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Date of decision: 12.05.2023

1. COCP-27-2013 (O&M)

Rohit Sabharwal

....Petitioner

Versus

Rakesh Kumar Verma & Anr.

....Respondents

2. COCP-3003-2017 (O&M)

Virinder Bhakoo

....Petitioner

Versus

Jaskiran Singh

....Respondent

3. COCP-2209-2020 (O&M)

Amarjot Singh Sidhu

....Petitioner

Versus

Ajoy Kumar Sinha & Ors.

....Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Raj Kumar Selwan, Advocate
for Mr. Sardavinder Goyal, Advocate for the petitioners.

Mr. Ashok Bazaz, Advocate
for the respondents.

ARVIND SINGH SANGWAN J. (Oral)

On oral request made by counsel for the parties, the COCP No.2209 of 2020, which is fixed for 15.05.2023, is taken up today for hearing along with the other connected cases listed today.

The present petitions are pending since 2013 and 2020, respectively.

The petitioner(s) alleges non-compliance of the order dated 17.01.2022 passed in COCP No.1229 of 2009, vide which a direction

was issued to the Municipal Corporations to notify the encroachments and constitute a Monitoring Committee regarding the status of encroachments, if any.

A perusal of the various orders passed, would reflect that from time to time, the compliance affidavit has been filed.

Counsel for the respondents has referred to the order dated 20.01.2016, which reads as under:-

“The petitioner has admitted that action has been taken by the answering respondent and the obvious encroachment has also been removed except from the area which has been encroached by the shop keepers by extending their shutters.

Learned counsel for the respondents has submitted that in the last order dated 18.12.2015, it was specifically mentioned by this Court to remove the encroachment in the area beyond shutters.

Learned counsel for the respondents in this regard has submitted that in the past, licenses were granted to the shop keepers to extend their thras by 2'.6”, however, the said licenses were not further continued but the matter is now pending in the house of the Municipal Corporation to take a decision on this issue as well

Adjourned to 01.3.2016. The decision taken by the Municipal Corporation in this regard be produced on the adjourned date.”

Counsel for the respondents has further submitted that with regard to the *thras* (a small platform of 2 ft. 6 inch), the shopkeepers association has already filed CWP No.18799 of 2017, which is admitted and there is an order of status quo regarding the property in dispute i.e. the *thras* (a small platform of 2 ft. 6 inch).

In COCP No.2209 of 2020, the Local Commissioner has filed the report, according to which there is no encroachment as the width of the road do not include the pavement and parking, etc.

2023:PHHC:069099

In view of the above, nothing survives in these petitions.

Accordingly, the present petitions are disposed of having been rendered infructuous.

A photocopy of this order be placed on the file of other connected cases.

(ARVIND SINGH SANGWAN)
JUDGE

12.05.2023
yakub

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No