

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CWP-795-2023

Date of decision : 16.01.2023

Vijay Colony Welfare Society Registered, through its President Sukhbir Singh

... Petitioner

Versus

State of Punjab and others

... Respondents

CORAM: HON'BLE MR.JUSTICE VIKAS BAHL

Present:- Mr.Sandeep Arora, Advocate
for the petitioner.

Mr.Ferry Sofat, Addl.A.G. Punjab
for respondent no.1.

VIKAS BAHL, J.(ORAL)

This is a civil writ petition under Articles 226/227 of the Constitution of India for issuance of writ especially in the nature of mandamus for directing respondents no.1 to 3 to immediately remove the milk dairies which are in the residential area of Vijay Colony, 66 feet road, Jalandhar. Further prayer has been made to remove the illegal encroachments made by the dairy owners as well as scrap dealers.

Learned counsel for the petitioner has submitted that some of the plot owners of Vijay colony have given their plots on rent to persons who are running dairy businesses in the said plots in an illegal manner without getting any site plan approved to run such dairies in the residential area and there are around 18 dairies which are in operation in the residential plots. It is further submitted that certain plots have also given to scrap

dealers for running the business of scraps in the residential area and on account of same, lot of dirt and garbage has spread all over the roads and there are heaps of cow dung lying around and cows and buffaloes and other animals are tied on the roads in an open area and the water pipes are also effected due to blockage of sewerage and the residents are facing inconvenience and all sorts of problems on account of the sewerage being blocked. To substantiate the said submissions, photographs have been annexed. It is further submitted that as per provisions contained in Chapter XV of the Punjab Municipal Corporation Act moreso, Section 284, provides that the Commissioner has the power to get the premises scavenged and cleansed if any premise is not properly or regularly scavenged or cleansed or is in filthy and unwholesome condition. Further reference has also been made to Section 300 of the Municipal Corporation Act wherein power has been conferred upon the Commissioner for destruction of infectious huts or sheds and the said power is to be exercised to prevent the spread of any dangerous disease. Reference has also been made to Section 283 of the Municipal Corporation Act with respect to prohibition from keeping or accumulating rubbish.

Learned counsel for the petitioner has submitted that the petitioner has given several representations including representation dated 02.11.2020 to the Commissioner, Municipal Corporation, Jalandhar, however, no action has been taken on the same. It is further submitted that a representation had also been given to the office of the Hon'ble Prime Minister and vide communication dated 13.09.2022, the office of the Hon'ble Prime Minister forwarded the letter written by the petitioner Sukhbir Singh President of the petitioner-Society to the Chief Secretary,

Government of Punjab, for appropriate action. It is further submitted that the petitioner would be satisfied in case the present petition is treated as a representation by the Commissioner, Municipal Corporation, Jalandhar and prays that the Commissioner, Municipal Corporation, Jalandhar, may consider the same, in accordance with law, as expeditiously as possible.

Keeping in view the above said facts and circumstances, the present petition is disposed of with a direction to the Municipal Corporation, Jalandhar to consider the present petition as the representation and to proceed in the matter, in accordance with law as expeditiously as possible.

It is clarified that this Court has not given any opinion on the merits of the case and in case the Commissioner comes to the conclusion on the basis of the representation given by the petitioner that some action is required to be taken in the matter, then, the same be done after adopting the due cause of law and also, after following the principles of natural justice.

(VIKAS BAHL)
JUDGE

January 16, 2023
Davinder Kumar

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