

CWP-1784-2023 (O&M)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-1784-2023 (O&M)

Date of decision : 09.02.2023

Navpinder Pal Singh Sidhu

.....Petitioner

VERSUS

State of Punjab and others

....Respondents

CORAM:- HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH
HON'BLE MR. JUSTICE VIKRAM AGGARWAL

Present: Mr. Jasdev Singh Brar, Advocate,
for the petitioner.

Mr. V.G. Jauhar, Addl. A.G., Punjab
for all the respondents.

AUGUSTINE GEORGE MASIH, J. (ORAL)

CM-1816-CWP-2023

Photographs appended along with the present application are
taken on record as Annexure P-7, subject to all just exceptions.

Application stands disposed of.

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Petitioner asserts that he is the owner of House/plot No.175-C,
Green Field Enclave, Malout, measuring 250 square yards. The said plot is in
a new colony, where the Bathinda Urban Development Authority was
supposed to provide for the boundary-wall and the necessary infrastructure
including gates. Because of non-construction of boundary-wall as also the
gates, there is menace of stray dogs and wild cattle. To vain that out,
petitioner has erected fencing around the house with an intention to save his

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property. Now the petitioner has received a notice from the Estate Officer, PUDA, Bathinda, dated 13.12.2022 (Annexure P-5) for removal of the alleged illegal encroachment at the berm of road. Reply to the said notice was duly given by the petitioner, copy of which is appended along with the present petition as Annexure P-6, but no decision has been taken thereon. Counsel contends that there is a threat of removal of those fencing, which have been erected by the petitioner, which would expose the house of the petitioner to unruly elements including wild cattle and stray dogs.

Learned counsel for the State has brought to the notice of the Court an order dated 17.02.2022 passed by the Division Bench of this Court in CWP No.3009 of 2022, titled as 'Ravinder Singh Romana and another Vs. State of Punjab and others', wherein, on a petition having been filed, where assertions were made with regard to large scale of encroachment to public place/property by various owners of residential and commercial properties in the different phases of Urban Estate, Bathinda, directions have been issued to initiate appropriate action as per mandate of the Punjab Regional and Town Planning and Development Act, 1995 as also the Punjab Apartment and Property Regulation Act, 1995. It is, in pursuance thereto, now a contempt petition has been preferred i.e. COCP No.49 of 2023, titled as 'Ravinder Singh Romana and another Vs. Rupinder Pal Singh and another', in which notice of motion has been issued for 26.04.2023. Counsel contends that the action which has been initiated, it appears, is in pursuance to the above referred to order passed in the said writ petition.

Be that as it may, the fact remains that upon issuance of notice dated 13.12.2022 (Annexure P-5) to the petitioner, reply has been submitted

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by him, copy of which has been appended as Annexure P-6, but till date, no decision thereon has been taken.

In the light of the above, the present petition is disposed of, without commenting upon the merits of the case, with a direction to the Estate Officer, PUDA, Bathinda, to consider the reply (Annexure P-6) submitted by the petitioner in pursuance to the notice dated 13.12.2022 (Annexure P-5) and pass a speaking order thereon within a period of three weeks from today. The decision so taken be conveyed to the petitioner forthwith.

Till the decision is taken and conveyed to the petitioner, status quo as it exists today shall be maintained.

(AUGUSTINE GEORGE MASIH)
JUDGE

09.02.2023
Harish

(VIKRAM AGGARWAL)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>