

[2023:PHHC:039591]

**IN THE HIGH COURT FOR THE STATES OF PUNJAB AND  
HARYANA AT CHANDIGARH**

**COCp-703-2019 (O&M)  
Date of decision: 17.03.2023**

**Gurjit Singh and others**

**...Petitioners**

**Versus**

**Sonali Giri and others**

**...Respondents**

**CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN**

Present:- Mr. S. S. Majithia, Advocate  
for the petitioner.

Mr. Sanjeev Soni, Advocate for  
Mr. Sarthak Soni, Advocate  
for respondent Nos. 1 to 4.

Mr. B. S. Bajwa, Advocate  
for respondent No. 5.

**ARVIND SINGH SANGWAN, J. (Oral)**

The petitioners are alleging violation of the order dated 04.10.2008, passed by this Court in CWP-4886-2003, vide which, certain directions were issued for removal of the encroachment on the public property.

It is stated in the petition that the petitioners are having houses in the Gali Mirza, opposite State Bank of India, Town Hall, Amritsar and the width of the said street is eight feet, which vests in the Municipal Corporation, Amritsar.

Learned counsel for the petitioners submits that by issuing general directions, this Court has directed all the municipal committees to monitor the encroachment on the public property and the encroachment, if any, it is the inhabitants of the area, who have encroached upon the street.

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Successive affidavits have been filed on behalf of the Municipal Corporation and as per the latest affidavit dated 05.12.2022, it is stated that a detailed affidavit dated 08.01.2021 has already been filed, in which, it is mentioned that respondent No. 5 has started construction on a plot owned by her in Gali Mirza without getting any prior approval from the Municipal Corporation, Amritsar and despite issuance several notices, respondent No. 5 did not stop the construction over the site, therefore, the premises were sealed.

It is further stated that in the aforesaid affidavit that it is found that there is no encroachment on the public street and the construction was raised on a 50 sq. yards plot owned by respondent No. 5.

Even respondent No. 5 has filed a separate reply stating that she is a widow lady and has purchased a 50 sq. yards plot, on which, she is raising construction and since petitioners and respondent No. 5 are the neighbours, it is the petitioners who are putting pressure upon her to sell the property and on that account, the present contempt petition has been filed.

Be whatsoever, in view of the affidavits filed on behalf of the Municipal Corporation, Amritsar, wherein it is stated that there is no encroachment on the public property, no case of any willful disobedience is made out against the respondents and the the present petition is disposed of.

Rule stands discharged.

17.03.2023  
*Waseem Ansari*

(ARVIND SINGH SANGWAN)  
JUDGE

*Whether speaking/reasoned*

*Yes/No*

*Whether reportable*

*Yes/No*