

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(246)

CWP-7456-2021

Date of decision: - 07.02.2023

Ravinder Kumar

....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

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

Mr. Karan Puggal, DAG, Punjab
for Respondent nos.1, 3 & 4.

Ms. Farheen Bajwa, Advocate
for Mr. Harsh Aggarwal, Advocate, for respondent No.2.

Mr. Nimanyu Gautam, Advocate,
for respondents No.5 and 6.

VIKAS BAHL, J. (ORAL)

This writ petition has been filed under Article 226 of the Constitution of India for issuance of a writ in the nature of mandamus directing the respondents No.1 to 4 to take appropriate legal action against respondents No.5 and 6 and their associates for encroaching the public corridor in front of Shop No.67-68, Banda Bahadur Market, Opp. Tagore Hospital, Jalandhar.

Learned counsel for the petitioner has submitted that with respect to his grievance, the petitioner has given a representation dated 16.11.2020 (Annexure P-3) to the Commissioner, Municipal Corporation, Jalandhar for taking necessary action. It is further submitted that the Commissioner of the Municipal Corporation under Section 246-A of the Punjab Municipal Corporation Act, 1976 has the power to remove any

encroachments within the meaning of sub-section (1) of the Act. It is further submitted that the petitioner has brought to the notice of the Commissioner the said encroachments and would be satisfied in case respondent No.4 considers the representation of the petitioner (Annexure P-3) in accordance with law and in case respondent No.2 is of the opinion that necessary action is required to be taken under the provisions of Section 246-A of the Act, then after following the due procedure of law, action be taken in accordance with law.

Learned counsel for the respondent-State has submitted that respondent No.2 would consider the representation dated 16.11.2020 (Annexure P-3) in accordance with law.

Learned counsel appearing on behalf of private respondents No.5 and 6 has submitted that they had not made any encroachment.

Keeping in view of the above-said facts and circumstances, the present writ petition is disposed with a direction to respondent No.2 to consider the representation dated 16.11.2020 (Annexure P-3), within a period of three weeks from the date of receipt of certified copy of this order, in accordance with law and after considering the same in case respondent No.2 is of the opinion that action is required to be taken against private respondents and other persons, then, the same be done after following due procedure of law and after giving an opportunity of hearing to respondents No.5 and 6 and other persons, in accordance with law.

February 07, 2023
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No