

**101 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

LPA No.1151 of 2022 (O&M)

Date of decision: 16.02.2023

Narinder Kaur

..... Appellant

versus

State of Punjab and others

..... Respondents

**CORAM: HON'BLE MR. JUSTICE G. S. SANDHAWALIA
HON'BLE MR. JUSTICE GURBIR SINGH**

Present: Mr. Manu Sachdeva, Advocate for
Mr. Namit Khurana, Advocate
for the appellant.

G. S. SANDHAWALIA J. (ORAL)

CM Nos.2792-93-LPA of 2022

In view of the averments made in the applications, the delay
of 3 days in filing and 520 days in refiling of the appeal is condoned.

Applications stand disposed of.

LPA No.1151 of 2022 (O&M)

1. The consideration in the present appeal is to the
judgment/order dated 11.04.2019 passed by the learned Single Judge, in
Civil Writ Petition No.3870 of 2018 titled **Amandeep Singh vs. State of
Punjab and others**, whereby respondent No.2 is directed to ensure that
no commercial activity is carried out in the premises in question and
action as per law be initiated against the officers, who allegedly accepted
licence fee from respondent No.4 for allowing commercial activity in the
residential area, by the present appellant, who was arrayed as respondent
No.4.

2. Learned Single Judge while disposing of the writ petition
noticed that on earlier occasion, the present appellant had undertaken that

commercial activity would not be carried out from the premises and specific affidavit was to be filed in this regard.

3. When the matter came up thereafter, there was a change in stance on the ground that necessary permission had been taken. Accordingly, directions were issued by the learned Single Judge to respondent No.2-Municipal Corporation through its Commissioner, Jalandhar to ensure that no commercial activity would be carried out in the premises and take action as per law against the officers, who had allegedly accepted the licence fee from respondent No.4 for allowing commercial activity in the residential area.

4. A perusal of the paper book would gone to show that the writ petition had been filed for implementing order dated 06.12.2017 (Annexure P-20) and for re-sealing the shop, which was being run in the residential locality at 314-R, Model Town, Jalandhar, in violation of the provisions of the Punjab Municipal Corporation Act, 1976. The appellant admittedly did not file any reply to contest the said fact. Perusal of the order which was sought to be enforced would go on to show that initially the authorities had passed an order to seal the said shop. Thereafter, on getting an application that goods were lying in the shop, the shop was opened for 15 days and again extended for 30 days. Taking advantage of the opening of the shop, the appellant sought stay from the Civil Court, which is stated to be dismissed. Thereafter, appeal was filed. Thus, on notice an undertaking had also been given that the appellant will close her business, remove the shutter of the shop and get the door installed. The authorities had given an opportunity that commercial activity will be stopped and the said premises will be converted into residential premises

within 30 days. Argument has been raised that the writ petitioner as such had no *locus standi* and there is a litigation *inter se* the writ petitioner and the present appellant.

5. As noticed above, counsel has himself fairly conceded that no reply had been filed to the writ petition and neither the litigation had been defended on this ground, before the learned Single Judge.

6. In such circumstances, the said ground was not set forth before the learned Single Judge regarding the *locus standi* or any mala fide intention on the part of the writ petitioner, we do not see any reason to interfere in the order passed by the learned Single Judge.

7. Apparently, it is not disputed that the area is residential and by use of part of the premises for commercial premises it causes inconvenience not only to the others, in the neighbourhood as such, on account of the fact that in commercial activities strangers come and visit the premises and there is no privacy left for the adjoining neighbours as such.

8. In such circumstances, learned Single Judge rightly issued necessary directions and we do not see any reason to issue any modification in the said order. Accordingly, the appeal is dismissed in *limine*.

(G. S. SANDHAWALIA)
JUDGE

(GURBIR SINGH)
JUDGE

16.02.2023

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Whether speaking/reasoned:

Whether reportable:

Yes/No

Yes/No