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

CWP-10569-2023

Date of decision: 16.05.2023

Balbir Singh

...Petitioner

Versus

State of Punjab and others

...Respondents

**CORAM: HON'BLE MR. JUSTICE VIKAS BAHL**

Present: Mr. Manoj Kaushik, Advocate for the petitioner.

Mr. Ferry Sofat, Addl. A.G. Punjab, for respondent Nos.1 to 3.

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**VIKAS BAHL, J. (ORAL)**

1. This is a Civil Writ Petition filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of mandamus directing respondent Nos.1 to 3 for taking appropriate legal action and for immediately stopping the factory/manufacturing unit being run by respondent No.4 within the residential area of Umarpura, Shri Hargobindpur Road, Batala.

2. Learned counsel for the petitioner has submitted that as per the provisions of Section 324 of the Punjab Municipal Corporation Act, 1974 (hereinafter to be referred as “the Act of 1974”) where the Commissioner is of the opinion that there is nuisance on any land or building then he may, by a notice in writing, require the person by whom the act is committed to remove or abate the nuisance by taking such measures as may be specified in the notice. It is further submitted that under Section 342 of the Act of 1974, no person without previous permission of the Commissioner in writing can establish any factory. It is stated that the petitioner had given a representation dated 23.03.2023 (Annexure P-1) to respondent No.2-Commissioner,

Municipal Corporation, detailing the facts showing that respondent No.4 is running a factory without any permission from the Municipal Corporation and the same is creating nuisance in the area concerned. It is contended that the petitioner would be satisfied in case, respondent No.2-Commissioner, Municipal Corporation, considers the representation dated 23.03.2023 (Annexure P-1) within a time bound manner and in case, the pleas raised in the said representation are found to be meritorious then take appropriate action against respondent No.4 as expeditiously as possible, in accordance with law.

3. Keeping in view the abovesaid facts and circumstances, the present Civil Writ Petition is disposed of with direction to respondent No.2-Commissioner, Municipal Corporation to consider the representation dated 23.03.2023 (Annexure P-1) within a period of one month from the date of receipt of certified copy of the present order and in case, after considering the same, respondent No.2-Commissioner, Municipal Corporation is of the opinion that pleas raised by the petitioner are meritorious then appropriate action against respondent No.4 be taken, in accordance with law, after giving due opportunity of hearing to respondent No.4 and in case, pleas raised by the petitioner are found to be not meritorious then respondent No.2 would pass an order rejecting the case of the petitioner within a period of one month from the date of receipt of the present order.

4. It is, however, made clear that this Court has not opined on the merits of the case of the petitioner and respondent No.2 would decide the same, in accordance with law.

**16.05.2023***Pawan***(VIKAS BAHL)  
JUDGE****Whether speaking/reasoned:- Yes/No  
Whether reportable:- Yes/No**