

CWP-18875-2020

Date of Decision: 19.10.2023

Parvinder Singh Main

..... Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Arjun Veer Sharma, Advocate, for the petitioner.
Mr. Arun William, Assistant Advocate General, Punjab.
None for respondents No.2 and 3.

Rajesh Bhardwaj, J. (ORAL)

Petitioner has approached this Court praying for quashing the notice dated 05.12.2019 (Annexure P-4) passed by Building Inspector Zone-D, Municipal Corporation, Ludhiana, whereby, the petitioner is directed to close the workshop being run by him within three days on the ground that the work shop being run by him is in the residential area.

Learned counsel for the petitioner has submitted that the notice has been issued totally in violation of the Municipal laws. He has submitted that the petitioner is running his business from the last more than 15 years.

Respondents No.2 and 3-Municipal Corporation, Ludhiana already filed reply, wherein, objection was raised that the petitioner is doing commercial activity in the residential area. It is also mentioned in the reply that despite issuing notice, the petitioner did not stop the unauthorized motor workshop being run, thus, the action taken by the respondent-MC was in accordance with the provisions of law and they performed their duties totally in accordance with law.

After hearing learned counsel for the petitioner and perusing the reply filed by the respondent-MC, it is apparent that the petitioner is aggrieved

with the notice issued by the respondent-MC, which was issued for the reason that commercial activity was being carried out by the petitioner in the residential area. However, it is apparent that the petitioner has an alternative remedy under the law for appearing before the authorities concerned and filing of appropriate petition for the redressal of his grievance, which remedy he has not availed.

Learned counsel for the petitioner fairly prays for withdrawal of the present petition with liberty to approach the appropriate authority for availing alternative remedy as available to him.

The present petition is dismissed as withdrawn with liberty to the petitioner to file appropriate petition before the appropriate authority within 10 days from today. If the petitioner files the appropriate petition before the appropriate authority, the authority concerned would deal with the same in accordance with law.

Learned counsel for the petitioner further submits that the workshop being run by the petitioner is lying sealed from the last two years the machineries have also turned into junk as the petitioner is not allowed to shift the machineries from the workshop.

The petitioner would be at liberty to raise this grievance as well before the authority concerned for allowing him to take out the machineries from the disputed premises. The authority concerned would deal with the same with sensitivity of the prevailing circumstances, if otherwise not restrained as per law from releasing the same.

19.10.2023

sharmila

Whether Speaking/Reasoned :

Whether Reportable :

(RAJESH BHARDWAJ)

JUDGE

Yes/No

Yes/No