

CWP-24149-2017

Date of Decision: 12.09.2023

Shamshad Ali and others

..... Petitioners

Versus

The State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. J.S. Bhatti, Advocate, for the petitioners.
Mr. Arun William, Assistant Advocate General, Punjab.
Mr. G.S. Attariwala, Senior Advocate with
Mr. Vansh Chawla, Advocate,
for respondent No.3-MC, Malerkotla.

Rajesh Bhardwaj, J. (ORAL)

Prayer in the present petition is for issuance of direction to the respondents to provide the basic amenities like sewerage, street lights etc. in the area of the petitioners and not to cause any harassment steps for ruining their activity of business i.e. dairy farming at the behest of respondents No.5 and 6 while adopting pick and choose approach; direction to respondents No.2 and 3 not to charge and collect the octroi tax on good and on electricity any levy such other taxes without providing the basic amenities to the area which falls and comes within the limits of the Municipal Council, Malerkotla; direction to respondent No.3 to take appropriate steps for providing basic amenities and infrastructure and till the same is provided the recovery of all kinds of taxes as charged be ordered to be refunded alongwith interest and for quashing the notice dated 17.08.2017 (Annexures P-3 and P-4) followed by notice dated 26.09.2017 (Annexure P-6) issued by respondent No.3.

Learned Senior counsel for respondent No.3 has submitted that the petitioners are running a dairy farm and in violation of provisions of Punjab

Municipal Act, 1911 (for short, ‘the Act’), the dirt is being thrown in the sewerage lines. He submits that instead of availing remedy under the Act, the petitioners have approached this Court by way of filing the present petition, which is not even maintainable.

Reply has already been filed.

After hearing both the sides, the present petition is disposed of with liberty to the petitioners to avail their remedy against the impugned notices as available to them under the Act. If the petitioners avail their remedy as per the statutory provisions, the authority concerned would take action in accordance with law.

(RAJESH BHARDWAJ)
JUDGE

12.09.2023
sharmila

Whether Speaking/Reasoned	:	Yes/No
Whether Reportable	:	Yes/No