

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

**CWP-24050-2018 (O&M)
Date of decision : 20.09.2023**

Gurvinder Singh @ others

.....Petitioners

versus

State of Punjab and others

..... Respondents

**CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Gursimranjit Singh, Advocate
for the petitioners.

Mr. Arun William, AAG, Punjab.

Mr. Sarthak Soni, Advocate for
Mr. Sanjeev Soni, Advocate
for respondents No.2 and 3.

Mr. Harminder Singh, Advocate
for respondent No.5.

RAJESH BHARDWAJ, J. (Oral)

CM-16012-CWP-2023

Instant application has been filed for placing on record the written statement on behalf of respondent No.5 along with Annexures R-5/1 to R-5/5.

For the reasons recorded in the application, written statement on behalf of respondent No.5 along with Annexures R-5/1 to R-5/5 is ordered to be taken on record.

Application is allowed.

CWP-24050-2018

Prayer in the present petition is for issuance of directions to respondents No.2 to 4 to remove the encroachment made by respondent

No.5 over the public land reserved for parking by respondent No.3 in Scheme No.81 Majitha Road bypass carved as Diamond Avenue shown in red colour in the site plan of Diamond Avenue which is being misused by respondent No.5 by installing a cement block making small scale industry and creating hazard and diseases for the residents of the duly approved colony by the Municipal Corporation, Amritsar. Further prayer has been made to issue directions to respondent No.2 to clean and maintain the parking place reserved by the Corporation as shown in the layout plan attested copy by the Assistant Town Planner, MC, Amritsar.

It has been contended by counsel for the petitioners that there is a dispute that the grievance of the petitioners primarily is regarding the maintenance of the land which is lying in an unhygienic condition and not being maintained by the owner of the property.

Notice was issued. Respondents have appeared and filed their response to the same.

Learned counsel for respondents No.2 and 3 has drawn the attention of this Court to the reply filed wherein it has been stated that the encroachment from the street in dispute has already been cleared and presently, there is no encroachment as alleged.

Learned counsel for respondent No.5 has submitted that respondent No.5 is the owner of the property. He is time and again being harassed and not being allowed to enter in his own property by the petitioners.

Heard. After hearing counsel for the parties and perusing the record, it is apparent that the grievance of the petitioner is primarily regarding the encroachment which has already been removed as

submitted by counsel for respondents No.2 & 3 and thus, the grievance of the petitioner has already been redressed. So far as the contention raised by counsel for respondent No.5 regarding unnecessary harassment caused to him by the petitioners is concerned, he is at liberty to avail his remedies as per law. Municipal Corporation is directed to ensure the maintenance of hygienic atmosphere in the area as per law so as to avoid any inconvenience to the residents.

Petition is disposed of.

Pending applications, are also stand disposed of.

20.09.2023

m. sharma

(RAJESH BHARDWAJ)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No