

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

266

CWP-24438-2021

Date of Decision: November 21, 2023

Abhay Goyal and another

.....Petitioner(s)

Vs.

**The Commissioner, Municipal Corporation,
Ludhiana and others**

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Aayush Gupta, Advocate for the petitioner(s).

Mr. Parambir Singh, Advocate for respondent no.1.

Mr. Arun William, AAG, Punjab for respondent No.2.

Mr. Manbir Singh, Advocate for respondent No.3.

Ms. Pooja Yadav, Advocate for respondents No.4 and 5

RAJESH BHARDWAJ J. (ORAL)

Through the present petition, the petitioner seeks issuance of direction in the nature of mandamus directing the official respondents to restrain the private respondents from doing construction for commercial use upon the plot which has been kept for the purpose of green belt as the same is totally arbitrary and unjustified.

2. On issuance of notice, respondent No.1 has filed the reply. Counsel for respondent No.1 has drawn attention of this Court to the reply filed where it has been mentioned that the contentions raised by counsel for the petitioner are totally beyond the facts. He has submitted that the site plan was sanctioned by respondent No.1 for the residential purposes only and on

verification it has been found that there is no violation of plan sanctioned by respondent No.1. He has also submitted that the construction which has been disputed by the petitioner, is also not in the green belt and the same is as per site plan and is beyond the green belt and thus there is no violation committed by respondents as alleged.

3. In view of the submissions made by counsel for the parties and perusal of the record, it is apparent that construction raised is not in green belt and thus there is no need to issue any direction in the present petition.

4. Accordingly, the present petition is disposed of with liberty to the petitioner to avail any other remedy available to him in case any cause of action survives.

(RAJESH BHARDWAJ)
JUDGE

November 21, 2023
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Whether speaking/reasoned:	Yes/No
Whether reportable:	No