

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

CWP-19234-2023

Date of Decision: 01.09.2023

Satinder Singh and another

..... Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Dhruv Mittal, Advocate and
Mr. Kunal Gupta, Advocate, for the petitioners.

Rajesh Bhardwaj, J. (Oral)

Petitioners have approached this Court praying for issuance of direction to the official respondents to declare the construction set up by AGM Malls Pvt. Ltd., Hanuman Chowk, Tibri Road, Gurdaspur, Punjab, as illegal being against the provisions as laid down by the Model Municipal Building Bye-laws of 2015 (for short, 'the Act'), thereby being a danger to the surrounding area. It is further prayed to issue direction to official respondents to ensure that private respondents, i.e. AGM Mall etc. remove and set right the non-compounding violations, which illegally have been made in the construction of the building within a stipulated time. Further prayer has been made for demolition of illegal part of the building at the earliest to ensure the safety of others.

Learned counsel for the petitioners has submitted before this Court that the construction raised by the AGM Malls Pvt. Ltd.-respondent No.5 is illegal and being against the provisions laid down by the Act, deserves to be declared as removed.

After hearing learned counsel for the petitioners and perusing the record, this Court finds that the petition involves the disputed question of facts, which can be decided by the competent authorities as provided

under the Act or by the Civil Court on the basis of evidence to be led by both the parties. Thus, no direction can be given by this Court as prayed for by the petitioners before this Court. The present petition is disposed of with liberty to the petitioners to avail their remedy if so advised in accordance with law.

01.09.2023			(RAJESH BHARDWAJ)
sharmila			JUDGE
	Whether Speaking/Reasoned	:	Yes/No
	Whether Reportable	:	Yes/No