

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

**CWP-22182-2023**  
Decided on 02.11.2023

# Rabia Collections

... Petitioner

## Versus

## State of Punjab and others

... Respondents

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

Present: Mr. Anand Chhibbar, Sr. Advocate with  
Ms. Ateevraj Sandhu, Advocate, for the petitioner.  
Ms. Anju Sharma Kaushik, DAG, Punjab.  
Mr. Sanjeev Soni, Advocate and  
Mr. Sarthak Soni, Advocate, for respondent No.3.

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**RAJESH BHARDWAJ, J.**

Prayer in the present petition is for issuance of direction to respondents No.1 to 3 to recall/revoke their impugned action and unseal the petitioner's shop i.e. Rabia Collection, Plot No.500, Basant Avenue, Amritsar, which is owned by its sole proprietor Vikrant Mahajan, as is discernible through a perusal of the registered sale deed dated 15.07.2021 (Annexure P-2), which has been sealed by the respondent-Municipal Corporation, solely on the strength of impugned show cause notice dated 25.04.2023 (Annexure P-1) and to set aside/quash the said impugned notice. Further prayer has been made to direct respondents No.1 to 3 to restore status quo ante and to unseal the petitioner's shop.

Learned Senior counsel assisted by Ms. Ateevraj Sandhu, Advocate, has submitted before this Court that the action of the respondents in sealing the shop of the petitioner on the strength of the show cause notice dated

25.04.2023 is totally illegal and arbitrary and being discriminatory, deserves to be set aside.

This Court issued notice to the respondents with a direction to file status report. In pursuance to the same, respondent 3 filed status report by way of affidavit of Narinder Sharma, Municipal Town Planner, Municipal Corporation, Amritsar.

Learned counsel for respondents No.2 and 3 has submitted that the petitioner is running shop in violation of the provisions of Municipal Corporation Act. He has submitted that the petitioner was earlier issued a notice wherein he filed an affidavit stating therein that he be granted six months' time to shift his business being run in the shop to some other place. He has submitted that the petitioner is carrying out unauthorized commercial activity in the residential area and as he has failed to comply with the affidavit issued, thus the respondent-Municipal Corporation has rightly sealed the premises. He submits that aggrieved by the same the petitioner filed a civil suit for declaration, which was subsequently dismissed as withdrawn. However, he submits that as the petitioner approached the respondent-Municipal Corporation with a prayer for granting him a reasonable time for vacating the premises, the respondent considered the same and granted three months' time for shifting all his goods and business to some other place. He has further submitted that the petitioner be directed to shift his business within the said period already granted.

However, learned Senior counsel has submitted that the petitioner is running cloth business in the shop and it is the only source of his income. He submits that three months time proposed by the respondent-Municipal Corporation is too less and thus, in the peculiar facts and circumstances of the

case, the petitioner be granted more time so as to enable the petitioner to shift his business to some other place.

After hearing learned counsel for the parties and perusing the record, this Court finds that the petitioner is running his cloth business in the premises in dispute. However, as submitted by counsel for respondent No.3, commercial activity cannot be carried out in the residential premises and thus, they decided to grant three months' time to the petitioner for shifting the same to some other place. However, keeping in view the facts and circumstances of the case, this Court finds it appropriate to grant time upto 01.03.2024 for shifting the business of the petitioner to some other place from the existing place of business. Resultantly, the present petition is disposed of with a direction to the petitioner to shift his business upto 01.03.2024. However, respondent-Municipal Corporation would be at liberty to take necessary action in accordance with law in case the petitioner fails to comply with the direction given by this Court. In case the shop of the petitioner is lying sealed, the same be desealed forthwith.

( RAJESH BHARDWAJ )  
JUDGE

02.11.2023  
sharmila

Whether speaking/reasoned  
Whether reportable

Yes/No  
Yes/No