

2023:PHHC:109329

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CM-13741-CWP-2023 in/and
CWP No.32354 of 2018
Date of decision : 22.08.2023

Sushil Kumar Tiwari

..... Petitioner

Versus

State of Punjab and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. S. S. Brar, Advocate
for the petitioner.

Mr. Arun William, AAG, Punjab.

Mr. Parambir Singh, Advocate
for respondent No.2.

Mr. R. K. Girdhar, Advocate
for respondents No.4 & 5.

RAJESH BHARDWAJ, J. (Oral)

CM-13741-CWP-2023

Present application has been filed for placing on record short
reply by way of affidavit on behalf of respondent No.2 along with relevant
Annexures R-2/1 to R-2/4.

For the reasons recorded in the application, short reply on
behalf of respondent No.2 along with Annexures R-2/1 to R-2/4 is ordered
to be taken on record.

Application stands allowed.

CWP-32354-2018

Present writ petition has been filed for issuance of a writ in the nature of mandamus directing respondents No.1 to 3 to take appropriate action in accordance with law under Sections 258 & 259 of the Punjab Municipal Act, 1976 against respondents No.4 and 5 for illegally constructing the commercial building in the residential area and running the same for commercial purposes and further directing respondent No.3 to take appropriate action for creating nuisance in the residential area and further to decide the legal notice (Annexure P-5).

It has been contended by learned counsel for the petitioner that respondents No.4 and 5 are illegally running the commercial activities in the building and despite number of requests made by the petitioner, no action has been taken against them.

This Court had issued notice to the respondents on 18.12.2018 and thereafter, respondents have filed their reply.

Learned counsel for respondent No.2 has submitted before this Court that the petitioner has not approached this Court with clean hands. He submits that petitioner has concealed the fact that action has already been taken by respondent No.2-Municipal Corporation, Ludhiana and the building has also been sealed 04 years ago. He further submits that as on date, it is lying vacant. He has drawn the attention of this Court to Annexure P-3, wherein under the Right to Information, the petitioner has been provided the information regarding the action taken and the copy of report of Building Inspector dated 14.06.2018 was also provided to him.

Learned counsel for respondents No.4 & 5 has submitted that respondents No.4 & 5 had already filed a Civil Suit for permanent injunction against the petitioner, which is pending adjudication before the Civil Court at Ludhiana. He further submits that in view of the same, this petition deserves to be dismissed.

After hearing learned counsel for both the parties and perusing the material on record, it is apparent that the grievances of the petitioner have already been redressed as the Municipal Corporation, Ludhiana has already taken action against respondents No.4 & 5 and the property has been sealed. Civil Suit initiated by respondents No.4 and 5 is also said to be pending.

In view of the same, the present petition stands disposed of as infructuous. However, the petitioner would be at liberty to pursue his remedy as available to him before the concerned authorities in accordance with law.

(RAJESH BHARDWAJ)
JUDGE

22.08.2023
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Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No