

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-482-2024
Date of decision : 29.01.2024

Varsha KakkarPetitioner

versus

State of Punjab and others Respondents

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Dr. Deepak Jindal, Advocate
for the petitioner.

Ms. Akshita Chauhan, DAG, Punjab.

Mr. D.S. Randhawa, Advocate
for respondents No.3 and 4.

RAJESH BHARDWAJ, J. (Oral)

Petitioner has approached this Court for directing the official respondents to demolish the unauthorized construction by the private respondents No.8 to 15 on the Ist and 2nd Floor over the residential premises of the petitioner on the ground floor of House No.356, Govind Vihar, Baltana as the unauthorized construction over the premises of the petitioner is weakening the walls and foundation of the ground floor building and causing danger of collapsing of the whole building. Further prayer has been made that in the meantime direct the private respondents (occupier of Ist and 2nd Floor over the ground floor premises of the petitioner) to lay down their own pipelines of sewerage as well as waste water as instead of laying down their own independent waste water/sewerage pipeline, presently the private respondents have connected their sewerage and waste pipe line with that of the pipelines of

petitioner premises thereby causing over flowing of the waste water/sewerage inside the ground floor premises of the petitioner thereby causing lot of harassment and difficulty to the petitioner and her family as also despite many representations, the official respondents have failed to take any action against the private respondents i.e. the occupiers of the Ist and 2nd Floor.

In pursuance to the orders passed by this Court, respondent-Municipal Council has filed the status report. It has been submitted by counsel for the respondent-Municipal Council that the petitioner has already filed a civil suit which has not been disclosed in the present petition. He submits that the building in dispute is three floor building and all the three floors have been sold floorwise. He has submitted that the prime dispute is among all the three owners of different floors. He has further submitted that so far, the outside sewerage is concerned which is in the jurisdiction of the respondent-MC same would be monitored by the MC and any obstruction if found in it, the same would be removed by the MC.

In view of the above, the present petition is disposed of with direction to the Municipal Council, Zirakpur to ensure functioning of the sewerage smoothly. However, petitioner is at liberty to pursue her remedies before the Civil Court where the civil suit is already pending consideration.

29.01.2024
m. sharma

(RAJESH BHARDWAJ)
JUDGE

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