

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

CWP-4996-2024

Date of decision : 08.04.2024

Pyare Lal

.....Petitioner

versus

State of Punjab and others

.... Respondents

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Pankaj Bali, Advocate
for the petitioner.

RAJESH BHARDWAJ, J.

Prayer in the present petition is for setting aside the order dated 12.01.2024 (Annexure P-13) passed by respondent No.2 in which the objections dated 15.11.2023 filed by petitioner has been dismissed. Further prayer has been made for directing the respondents not to demolish the shop of the petitioner on the basis of the notification dated 04.03.2013 (Annexure P-2) as the construction of the petitioner is away from the boundary of the Patiala Ki Rao Choo and the construction of the petitioner is no way causing any kind of obstruction in the natural flow of the said choo. Further prayer has been made for appointing Local Commissioner to verify the true picture of the case in hand as to whether the petitioner is obstructing the Patiala Ki Rao Choo (Seasonal Stream) by raising the said construction. Further prayer has been made for directing respondents not to take any coercive steps against the petitioner during the pendency of the present petition before this Court.

At the outset, it is found that this is the second petition filed by the petitioner. On the earlier occasion, petitioner had approached this Court by way of filing CWP-25125-2023 praying for issuance of direction

to the respondent not to demolish his shop on the basis of Notification dated 04.03.2013. This Court had disposed of the same vide order dated 07.11.2023 wherein liberty was granted to the petitioner to file his objections and on filing of the same, respondents were directed to decide the same within two weeks from the date of filing the objections. Interim protection was granted to the petitioner till the decision of his objections. Now on his objections, the respondent has passed the order dated 12.01.2024 which has been impugned by the petitioner in the present petition. It is evident that on passing of the impugned order, petitioner has a fresh cause of action and the same is to be assailed if so advised before the Appropriate Competent Authority.

Thus, this Court does not find the present petition to be maintainable and the same is disposed of with liberty to the petitioner to avail his remedies for the redressal of his grievances in accordance with law.

08.04.2024
m. sharma

(RAJESH BHARDWAJ)
JUDGE

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