

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

CWP-9496-2024

Date of Decision: 26.04.2024

Jugneet Singh

..... Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr.Ranjit Singh Sidhu, Advocate, for the petitioner.

Rajesh Bhardwaj, J.

1. Prayer in the present petition is for setting aside the order No.1008/2024 dated 05.03.2024 (Annexure P-23) passed by respondent No.3 whereby respondent No.3 illegally permitted the automobile repair workshop of respondent No.8 alongside the residential house of the petitioner and disposed of the complaint against the principle of natural justice as the working of the automobile repair workshop of respondent No.8 is against the Punjab Uniform Development Control Regulations (DCR), Guidelines of Town and Country Planning Organization (TCPO), Ministry of Housing and Urban Affairs, Government of India, Punjab Municipal Act 1911, Model Building By laws, in the interest of justice. Further prayer has been made for issuance of direction to the official respondents to take legal action to close down the illegal automobile repair workshop of respondent No.8 which is operating against the Punjab Uniform Development Control Regulations (DCR), Guidelines of Town and Country Planning Organization (TCPO), Ministry of Housing and Urban Affairs, Government of India and to file status report of the action taken by the officials respondents pursuant to the speaking order dated 05.03.2024 (Annexure P-23).

2. Learned counsel for the petitioner has submitted before this Court that the petitioner earlier approached this Court for the redressal of his grievance by way of filing of CWP-17483-2023, which was disposed of by this Court vide order dated 10.08.2023, wherein, direction was given to the Chief Vigilance Officer, Department of Local Bodies, Punjab to decide the representation dated 30.03.2023 filed by the petitioner within a period of two months in accordance with law. He submits that in pursuance to the order passed by this Court, respondent No.3 i.e. the Chief Vigilance Officer, Department of Local Bodies has passed the impugned order dated 05.03.2024 ignoring the facts and circumstances of the case, which is unsustainable in the eyes of law and thus, the same deserves to be set aside.

3. Heard.

4. After hearing learned counsel for the petitioner and perusing the record, it is apparent that the petitioner has earlier approached this Court by way of filing CWP-17483-2023, which was disposed of by this Court vide order dated 10.08.2023 with a direction to respondent No.3 to decide the representation of the petitioner and the same has been decided by respondent No.3 i.e. Chief Vigilance Officer, Department of Local Bodies by passing a speaking order dated 05.03.2024. A perusal of the impugned order would reveal that respondent No.3 had given a specific direction to the Executive Officer of the Municipal Corporation in Ahmedgarh to provide details/sketches of the construction of the said property to the Senior Town Planner (Field). Besides this, he had sought technical opinion from the Senior Town Planner (Field) and further directed to take a legal action in case of finding the non-compounding areas of the building, in accordance with law.

5. This Court finds the impugned order passed to be in accordance

with the mandate of law and hence, finds no reason to interfere with the order passed at this stage. Thus, the present petition is dismissed. However, liberty is granted to the petitioner to avail his remedy as available to him in case any further cause of action accrues to him.

26.04.2024

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Whether Speaking/Reasoned

Whether Reportable

:

:

Yes/No

Yes/No

(RAJESH BHARDWAJ)

JUDGE