



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

CWP-12310-2024

Date of Decision: 23.05.2024

Usha Rani and others

..... Petitioners

Versus

Municipal Corporation, Ludhiana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Vaibhav Sehgal, Advocate, for the petitioners.

Rajesh Bhardwaj, J. (ORAL)

Prayer in the present petition is for issuance of direction to respondents No.1 and 2 to proceed/act in accordance with the letters dated 15.03.1990 (Annexures P-1 and P-2) and to execute the agreements in accordance with the terms of the said letters as despite making payment till date unauthorized occupation over the auctioned plot No.10 and 11, New Prem Nagar, near Rose Garden Ludhiana has not been removed as the officials are acting in connivance with the encroacher/respondent No.2. Further prayer has been made for quashing the order dated 28.04.2023 (Annexure P-14) vide which respondents No.1 and 2 after admission with regard to illegal occupation of respondent No.3 over the plots auctioned to predecessor-in-interest of the petitioners. Further to direct respondents No.1 and 2 to take action on the representations dated 12.04.2013 (Annexure P-11) and dated 02.05.2024 (Annexure P-15) moved by petitioner No.2 and to complete formalities with regard to property in dispute.

It has been submitted by learned counsel for the petitioners that residential plots were allotted to the petitioners on 25.03.2019 and the petitioners deposited 25% of the amount as well, however, even thereafter, encroachment

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had taken place on the land in question and thus, the same was not finally allotted to the petitioners. He has submitted that the petitioners filed a representation before the respondent-authorities and now vide order dated 28.04.2023 (Annexure P-14), the Assistant Town Planner has admitted that the alleged land is in illegal possession, however, the MC cannot take any action on the same and the petitioners should approach the Police Department. He has submitted that the petitioners, thereafter, filed a representation dated 02.05.2024 (Annexure P-16) before respondent No.1. He has relied upon the judgment of this Court in CWP-4886-2003 titled as Court on its own motion vs. State of Punjab and another decided on 04.10.2008 and has submitted that the respondents have the power to take necessary action on the grievance raised by the petitioners.

Notice of motion to the official respondents only.

On the asking of Court, Mr. Ashok Bazaz, Advocate, accepts notice on behalf of respondent-MC.

After hearing learned counsel for the parties, the present petition is disposed of with a direction to respondent No.1 to decide the representation dated 02.05.2024 (Annexure P-16) expeditiously in accordance with law preferably within a period of eight weeks from the date of receipt of copy of this order.

23.05.2024

sharmila

Whether Speaking/Reasoned :
Whether Reportable :

(RAJESH BHARDWAJ)
JUDGE

Yes/No
Yes/No