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

CWP-15627-2024

Date of Decision: 15.07.2024

Neeraj Kumar

....Petitioner

Versus

State of Punjab and others

....Respondents

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present : Mr. Manpreet Singh, Advocate and
Ms. Pridhi Sandhu, Advocate
for the petitioner.

Mr. Nirmaljit Singh Diwana, Sr. DAG, Punjab.

Mr. Sanjeev Soni, Advocate and
Mr. Sarthak Soni, Advocate
for respondent No.5.

HARSH BUNGER, J. (Oral)

1. The present petition has been filed under Article 226 of the Constitution of India seeking issuance of writ in the nature of mandamus for directing respondent No.2 (Municipal Corporation, Amritsar) to stop the running of commercial business of ice factory, being run by respondent No.5 (M/s Guru Ramdass Ice Factory, Amritsar) in an illegal manner in residential area, which is stated to be contrary to the master plan and as a consequence thereof, the house of the petitioner has been damaged.

2. Learned counsel for the petitioner *inter alia*, relies upon letter No.613, dated 22.02.2024 (Annexure P-24), issued by the Assistant

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Commissioner, Department of Licensing, Municipal Corporation, Amritsar, addressed to the Chief Engineer, Punjab State Power Corporation Limited (PSPCL), Amritsar to say that the license of the factory run by respondent No.5 was cancelled, therefore PSPCL was asked to disconnect electricity connection of respondent No.5 -M/s Guru Ramdass Ice Factory, Amritsar. It is therefore contended that respondent No.5 is running his ice factory illegally.

3. Learned counsel for respondent No.5 submits that the order cancelling the trade license issued to respondent No.5 has been kept in abeyance and the matter is now pending before the Additional Commissioner, Municipal Corporation, Amritsar and the complaint submitted by petitioner is being considered by the concerned Authority; however, the petitioner is not appearing before the said Authority.

4. Mr. Ankit Kumar, Advocate appears and files *Vakalatnama* on behalf of respondents No.2 to 4, which are taken on record, subject to all just exceptions. He endorses the statement made by learned counsel for respondent No.5. Learned counsel further submits that the electricity connection stands restored to respondent No.5 on temporary basis. Learned counsel for respondents No.2 to 4 submits that the issue concerning running of ice factory by respondent No.5 in a residential area and also the grievance of the petitioner shall be considered and decided by the Additional Commissioner, Municipal Corporation, Amritsar, however, the parties be directed to appear before the concerned Additional Commissioner, Municipal Corporation, Amritsar on a specified date and time.

5. At this stage, learned counsel for the petitioner submits that the petitioner would appear before the concerned Additional Commissioner,

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Municipal Corporation, Amritsar in relation to their complaint, however, it is submitted that appropriate directions be issued to the Additional Commissioner, Municipal Corporation, Amritsar to decide the aforesaid complaint/issue in a time bound manner.

6. In view of the aforementioned facts and circumstances, the instant petition is disposed of with a direction to the Additional Commissioner, Municipal Corporation, Amritsar, who is stated to be seized of the matter, with regard to the running of ice factory in the residential area and also the complaint submitted by petitioner; to hear the concerned parties and all stakeholders and take a decision on the complaint submitted by petitioner and also the matter concerning running of ice factory in residential area; by passing a speaking order within a period of six weeks from the date, when the parties appear before him. Parties are directed to appear before the concerned Additional Commissioner, Municipal Corporation, Amritsar on 29.07.2024 at 11:00 A.M.

7. The petition is disposed of, accordingly.

8. All pending application(s), if any, shall also stand closed.

15.07.2024*Himani***(HARSH BUNGER)
JUDGE**

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No