

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

C.W.P. No. 8801 of 2012 (O&M)

Date of decision: 15.02.2024

Parbodh Chander Bali

.... Petitioner

Vs.

Chief Secretary to Govt. of Punjab and others

.... Respondents

**CORAM: HON'BLE MR. JUSTICE ARUN PALLI
HON'BLE MR. JUSTICE VIKRAM AGGARWAL**

Present: None for the petitioner.
Mr. Shekhar Verma, Addl. A.G. Punjab.
Mr. Parambir Singh, Advocate
for Municipal Corporation, Ludhiana and Phagwara.
Mr. Sarthak Soni, Advocate and
Mr. Jora Dutt, Advocate for
Mr. Sanjeev Soni, Advocate
for Municipal Corporation Patiala, Mohali, Bathinda & Moga.
Mr. G.S. Attariwala, Sr. Advocate with
Mr. Saurabh Singla, Advocate
for Municipal Corporation Pathankot.

ARUN PALLI, J (Oral)

This petition was/is purportedly filed in public interest. A mandamus is prayed for to command the respondents to implement the provisions of Sections 257 to 275 (Chapter: Building Regulations) of Punjab Municipal Corporation Act, 1976. And seek a compliance report in this regard from the respondent authorities. Further, a committee be constituted that would continue to analyse and inspect if the Municipal Corporations, Municipal Committees, Improvement Trusts etc. were truly and actually adhering to the building regulations indicated above.

In essence, the matter relates to the challans that were being issued by the Urban Local Bodies against the unauthorized constructions or constructions that were being carried out against the approved/sanctioned plan.

The matter is pending since May, 2012. The records show that numerous orders were passed by this Court from time to time. And, on September 21, 2022, for the State Government had submitted that since issue sought to be raised in this petition would cover all the Local Bodies in the State of Punjab, time was granted to enable the concerned authorities to issue general instructions.

In response, reply by way of affidavit appended therewith of the Deputy Secretary to Government of Punjab, Department of Local Government, Punjab, dated 15.05.2023, has since been filed. Annexure R-1 dated 10.1.2023 are

the instructions appended with the said affidavit vide which slew of instructions were issued to all the Municipal Corporations/Councils, Improvement Trusts and the concerned departments in the State of Punjab:

- “1. No construction should be allowed within the limits of urban local bodies without getting the map approved.**
- 2. In respect of unauthorized construction against the map, the notice/challan should include the name of the builder, address of construction, status of construction/level, plot and area under construction as well as it may also be ensured that as per the bylaws/rules/instructions the construction is compoundable or not. Apart from it picture of the construction should also be provided to the builder/owner along with challan and copy should be kept on record.**
- 3. All the urban local bodies should ensure that the data of these challans as well as the detail of composition fees and the recovered fee is maintained in the digital format as mentioned in above para no.2. In this regard, ‘Challan Management System (CMS)’ online portal should be implemented, in which the daily challans issued by every building inspector should be updated. Challan Management System (CMS) is applicable in Municipal Corporation, Ludhiana, so if required, guidance from Municipal Corporation, Ludhiana may be obtained.**

In compliance of the above directions, All Commissioner and Executive Officer should ensure to send the compliance report to the Government by 30.01.2023.

All Commissioners and Additional Deputy Commissioners (Urban Development), concerned Additional Deputy Commissioners (General) are directed to monitor this Challan Management System (CMS) every week. The Commissioner concerned and the Additional Deputy Commissioner (Urban Development) concerned shall be personally responsible for Commencing and maintaining the Challan Management System.”

Records show that petitioner (Parbodh Chander Bali) had been pursuing the matter in person. Whereafter, Mr. Saurav Khurana, practicing

advocate of this Court was appointed as Amicus Curiae. However, neither the petitioner nor anyone on his behalf is present. And we are informed that Mr. Saurav Khurana, Advocate has since joined the office of Advocate General, Punjab.

Be that as it may, having heard learned counsel for the respondents and perused the records, we are of the opinion that the response submitted, by way of affidavit, on behalf of respondents No.1 and 2 (ibid), has substantially addressed the concerns/grievances that were sought to be raised in the petition. Therefore, in the given circumstances, keeping the petition pending would not serve any fruitful purpose. Accordingly, we close the proceedings in the matter at hands.

The petition is accordingly disposed of. However, in case any cause of action, dispute or interest still survives, the petitioner would be at liberty to move an application for restoration of this petition and for appropriate orders or he also avail such other remedies as shall be admissible in law.

(ARUN PALLI)
JUDGE

(VIKRAM AGGARWAL)
JUDGE

15.02.2024
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Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No