



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-20735-2024 (O&M)
Date of decision : 27.08.2024

AVTAR SINGH AND ANOTHER

...Petitioners

Versus

STATE OF PUNJAB AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present : Mr. Rahi Mehra, Advocate
for the petitioners.

Mr. Navneet Singh, Sr. D.A.G., Punjab.

HARSH BUNGER, J. [ORAL]

Petitioners (Avtar Singh and another) have filed the instant writ petition under Articles 226/227 of the Constitution of India, *inter alia*, seeking a writ in the nature of *mandamus*, directing respondents No.2 and 3 to stop the unauthorized/illegal construction being carried out by respondent No.4 (Maninder Singh) in residential property bearing No.1561/S-12, adjoining Bhatia Niwas, Gali Karam Singh, Chowk Karori, Amritsar.

A further prayer has been made for directing respondents No.2 and 3 to perform their duties by complying with the demolition notice dated 21.03.2023 (Annexure P-2) and not to connive with respondent No.4 in his un-authorized and illegal acts.

2. Briefly, the petitioners claim that they are residents of Amritsar and their grievance emanates from an illegal construction being carried out in their neighbourhood in property bearing No.1561/S-12, adjoining Bhatia Niwas, Gali Karam Singh, Chowk Karori, Amritsar, by respondent No.4, in connivance with respondents No.2 and 3. According to the petitioners, the matter dates back to January, 2023 when construction was started by respondent No.4 in the residential area, in order to construct and convert the property into commercial unit, more particularly, a hotel. It is stated that the area falls in the vicinity of Holy Shrine (Golden Temple) where hotel business is very prevalent and illegal constructions are raised very often. Petitioners claim that respondent No.4 started the construction without seeking necessary permissions from respondents No.2 and 3 and without getting a change of land use done and without adherence to the fire safety norms. It is stated that the lane in which the property of respondent No.4 is situated, is only 4.5 ft. wide, wherein people can barely walk and two wheelers also pass with great difficulty, therefore, keeping in view the specifications of the area, a hotel could not have been passed in the said vicinity.

3. Heard.

4. According to the petitioners, respondent No.4 has constructed an illegal building, however, they allege that the respondents No.2 and 3 (Commissioner, Municipal Corporation, Amritsar and Municipal Town Planner, Amritsar respectively) are not proceeding against respondent No.4, primarily on account of some connivance between them or due to some illegal gratification or on account of some political interference.

5. Apparently, the petitioners have made allegations of *mala fides* and illegal gratification(s) against respondents No.2 and 3, however, said

officials have not been impleaded in person in this petition. Even the photographs, which have been attached with the writ petition pertain to illegal construction at Chowk Karori, Gali Karam Singh, Amritsar and they do not indicate anything as regards the property of respondent No.4, wherein illegal construction is being alleged to be raised by him. Even the present status of the proceedings under the Punjab Municipal Corporation Act, 1976 (in short 'the 1976 Act'), has not been placed on record nor this writ petition is in the nature of Public Interest Litigation. In my considered view, the writ petition raises disputed questions of fact, which would require leading of evidence, which is not possible in the present proceedings. Further, this petition *prima facie* appears to have been filed with some oblique motive.

6. Keeping in view the afore-mentioned facts and circumstances, the present writ petition is dismissed by leaving it open to the petitioners to avail their other remedies in accordance with law.

7. All pending application/s, if any, shall also stand closed.

August 27, 2024
gurpreet

(HARSH BUNGER)
JUDGE

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