



CWP-23647-2024

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-23647-2024Date of decision: 17.09.2024

Bebe Nanki Urban Estate Welfare Society

....Petitioner

Versus

State of Punjab and others

....Respondents

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

Present: Mr. Vardaan Seth, Advocate,
for the petitioner.

ARUN PALLI, J. (Oral)

The petitioner (Bebe Nanki Urban Estate Welfare Society)
has prayed for the following substantive relief:-

***“Civil Writ Petition under Articles 226/227 of
the Constitution of India for the issuance of a writ in the
nature of Mandamus for directing the Official
Respondents to remove encroachment/illegal possession
and take appropriate action against the Respondent No.6
in terms of the categoric findings of the learned Sub
Divisional Magistrate, Sultanpur Lodhi vide Order dated
02.09.2024 (Annexure P/10) in the interest of justice equity
and good conscience;***

AND

***For the issuance of a writ in the nature of
Mandamus directing the Official Respondents and
especially Respondent Nos.5 and 6 to adjudicate upon the
Representations dated 21.08.2024 (Annexure P/7 and P/8)
wherein till date no action, whatsoever, has been taken in
the interest of justice, equity and fair play.”***



Learned counsel for the petitioner submits that Jagjit Singh Chandi (respondent No.6), is the owner of site/plot No.63 in Bebe Nanki Urban Estate, Sultanpur Lodhi, District Kapurthala. And the said site, which abuts a green belt/park, has now been constructed by him. The limited grievance that the petitioner-Society has is: the private respondent has encroached upon a part of the green belt/park adjacent to his house and has even illegally fenced the said portion for his personal and exclusive usage. As a result, members of the petitioner-Society are deprived of access to the said portion and even the Administration is facing difficulty to install swings and benches for the convenience of the inhabitants. Being aggrieved, the inhabitants had even moved a complaint dated 29.08.2024 to the Sub Divisional Magistrate, Sultanpur Lodhi, who, upon hearing them, as also the private respondent, vide order dated 02.09.2024 (P-10), observed that the site, which is alleged to be encroached upon by the private respondent, belonged to the Punjab Urban Planning & Development Authority (PUDA). And, as regards installation of swings and benches, they were advised to approach the Jalandhar Development Authority. It is urged that even the Chief Administrator, JDA, and Estate Officer, JDA, Jalandhar, were served with representations dated 21.08.2024 (P-7 and P-8), and although, a considerable time has elapsed, but the encroachment caused by the private respondent continues to exist, owing to an apparent inaction of the respondent authorities. Thus, this petition.

Served with the advance copy of the petition, Mr. Vipin Pal Yadav, learned Additional Advocate General, Punjab, for respondents No.1 to 5, and Mr. Harpreet Singh, Advocate, for respondent No.6, are present in Court.

At the outset, learned counsel for respondent No.6 controverts the claim set out in the petition as also the allegation that respondent No.6 has illegally encroached upon a part of the green belt/park.

Learned Additional Advocate General, Punjab, submits that in the given circumstances, it would rather be expedient if the petition is disposed of, at this stage, to enable the competent authority, which is



alleged to be in seisin of the matter, to deal with the concerns/grievances of the petitioner and pass necessary orders on its representations (*ibid*), in accordance with law. Further, he submits that before any such orders are passed, the petitioner, through its authorized representative(s), as also respondent No.6, shall be heard. In this regard, they may appear before the Estate Officer, Jalandhar Development Authority, Jalandhar, on 24.09.2024 at 11:00 A.M. And, accordingly, the necessary orders, as indicated above, shall be passed within two weeks thereafter.

Learned counsel for the petitioner is agreeable to the course suggested by learned State counsel, and submits that let this petition be disposed of, in terms of the statement made by him.

In the wake of the position sketched out above, and in terms of the statements made by learned counsel for the parties, the petition is accordingly disposed of.

This Court is sanguine that the authorities shall look into the matter in the right earnest. And the appropriate orders, assigning reasons in support thereof, shall be passed within the time indicated by the learned State counsel.

Needless to assert that this order shall not constitute any expression of opinion on the merits of the case of either party, for, as indicated above, the competent authority shall examine the concerns/grievances of the petitioners, strictly in accordance with law.

(ARUN PALLI)
JUDGE

(VIKRAM AGGARWAL)
JUDGE

17.09.2024
Ak Sharma

Whether speaking/reasoned	Yes
Whether reportable	Yes/No