



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

C.W.P. No. 24312 of 2024
Date of decision: 23.09.2024

Raj Kumar

.... Petitioner

Vs.

State of Punjab and others

.... Respondents

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

Present: Mr. Kuldeep Singh Saini, Advocate
for the petitioner.

ARUN PALLI, J (Oral)

The petitioner (Raj Kumar) has prayed for the following substantive relief:

“1st Civil writ petition under article 226/227 of the Constitution of India for the issuance of a writ in nature of Mandamus for directing the Respondents to remove the illegal encroachment/KHOKHAs constructed by many unknown persons in connivance with the respondents No.7 to 9 along with road side by covering the drainage slab of the Sewerage water And waste water of city, occupied during the night of dated 12.09.2024 Annexure P-7.

AND/OR

Further directions may kindly be issued to the Respondent No.2 to save the PUDA Market, and take the appropriate legal action against the encroacher as well as the respondent no.7 to 9, who are openly supporting to the illegal encroacher from the land belong to the Govt.

AND/OR

It is further prayed that due to the illegal encroachment over the road side land belong to the Govt. The Dirty water gets



accumulated in front of shops, which creates the health issues for peoples residing in the area and also creates the huddles for traffic. Annexure P-4.”

Learned counsel for the petitioner submits that petitioner is the owner of Booth/Shop Nos. 63-64, near Bus Stand Sri Anandpur Sahib, PUDA Market, Tehsil Sri Anandpur Sahib, District Ropar. He submits that illegal khokhas/encroachments have since been set up by certain unknown persons, in an apparent connivance with respondents No.7 to 9. He submits, for the encroachments that have been caused cover the market drains, dirty water accumulates in front of petitioner's shop, which not only gravely impairs his business interest, but also raises serious hygiene issues. Not just that, he asserts that the said encroachers intend to make pucca sheds at site, which would lead to further complications. It is urged that even though, the complaints dated September 06, 2024 (P-3), submitted by the petitioner to the Deputy Commissioner, Ropar (respondent No.3), September 12, 2024 (P-5) to the Station House Officer, Police Station Sri Anandpur Sahib and September 12, 2024 (P-7) to the Sub Divisional Office, PWD Departament, Sri Anandpur Sahib, are pending consideration but the matter has not made any tangible progress. Rather, it is urged that in the given circumstances, the competent authority ought to have taken cognizance of the matter on its own to remove the illegal encroachments and restore the site to its original state.

Served with the advance copy of the petition, Mr. Jastej Singh, learned Deputy Advocate General, Punjab, for respondents No.1 to 6, is present in Court. At the outset, he, on instructions, submits that if any of the representations, as indicated above, is pending before the respondent authorities, the same shall be taken cognizance of forthwith and appropriate orders, in accordance with law, shall be passed. Further, he submits that before any such orders are passed, the petitioner, as also the other stake holders shall be heard, for which, a formal communication shall also be issued, well in advance. He, as always, fairly submits that to secure the interest of all the stakeholders, the necessary orders, as indicated above, shall be passed by the competent authority within a period of eight weeks from today.



Learned counsel for the petitioner is agreeable to the course suggested by the learned State counsel and submits that let the 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, this petition is accordingly disposed of.

This Court is sanguine that the authority shall consider/examine the matter in the right earnest, and pass appropriate orders within the time indicated by learned State counsel, assigning reasons in support thereof.

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

(ARUN PALLI)
JUDGE

(VIKRAM AGGARWAL)
JUDGE

23.09.2024
deepak

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