



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

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CR-6362-2024 (O&M)
Date of Decision: 04.11.2024

Gurjant Singh

....Petitioner

Versus

Municipal Council Sangrur and another

....Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS SURI

Present: Mr. A.S.Salar, Advocate
for the petitioner.

VIKAS SURI, J. (Oral)

1. Challenge in this petition under Article 227 of the Constitution of India is to the order dated 01.03.2024 (Annexure P-6) passed by learned Additional Civil Judge (Senior Division), Sangrur, whereby the application for impleading the Department of Local Bodies, Punjab, Chandigarh and Punjab Urban Development Authority (PUDA), Sangrur, as defendant Nos.2 and 3, respectively, has been dismissed.

2. Briefly stated, the plaintiff-petitioner filed a suit for declaration to the effect that notices dated 27.06.2022, 12.08.2022 and 19.09.2022 issued by the Municipal Committee, Sangrur, are illegal and against the provisions of the Punjab Municipal Act, 1911 (for short, 'the Municipal Act') and further



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for permanent injunction restraining the Municipal Council from interfering in peaceful possession of the plaintiff over the suit property.

3. Upon notice of the suit, the same was opposed by filing written statement, wherein it was stated that the suit land is not a commercial property and the construction raised thereupon is against the bye-laws, without getting the site plan approved from the council. The petitioner-plaintiff moved an application under Order 1 Rule 10 CPC to implead the department of Local Bodies Punjab, Chandigarh, and Punjab Urban Development Authority, Sangrur.

4. Upon notice of the application, the same was opposed by the defendant by filing reply. It is submitted that the Municipal Council is governed by the Department of Local Bodies and not Punjab Urban Development Authority (PUDA). The decisions taken by the Municipal Council are to be approved by the Department of Local Bodies, Punjab. The Municipal Council is an independent constitutional body and the notices issued by it have been challenged in the civil suit and as such, there is no need to implead the Department of Local Bodies, Punjab and the Punjab Urban Development Authority (PUDA) as a party defendants in the civil suit.

4.1 After considering rival contentions advanced on behalf of the parties, the trial Court dismissed the application, vide order dated 01.03.2024 (Annexure P-6).

5. The petitioner has challenged the said order by way of present petition.

6. Learned counsel for the petitioner submits that the Municipal



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Council has admitted in its reply that their office is governed by the department of Local Bodies and hence, the said department ought to have been impleaded as a party defendant.

7. I have heard learned counsel for the petitioner and with his able assistance, perused the case file.

8. Admittedly, challenge raised before the civil Court is to the three notices issued by the Municipal Council with regard to the construction over the suit property falling within its territorial jurisdiction. The averment made in the written statement that the decisions taken by the Municipal Council are to be approved/scrutinized by the Department of Local Bodies, Punjab, has not been controverted by the plaintiff-petitioner. On a query of the Court, it is not disputed that no relief has been sought against the Department of Local Bodies, Punjab or Punjab Urban Development Authority. Learned counsel for the petitioner has not been able to refer to any averment from the plaint (Annexure P-1), wherein any averment has been made against the parties sought to be impleaded.

9. Learned counsel for the petitioner is at pains to point out any averment from the plaint involving any issue that ought to have been decided by the Department of Local Bodies, Punjab or the Punjab Urban Development Authority, in the present case. Reference has also been made to Section 236 of the Municipal Act, which pertains to the power to the State Government and its officers over the committees. The said provision rather supports the case of the Municipal Council that it has to function in conformity with law and with the rules in force under any enactment for the relevant time, applicable to the



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State of Punjab, generally or the other over which the committee has authority. The petitioner has reiterated his stand pleaded in para 6 of the plaint that the plaintiff-petitioner is ready to deposit the charges, if any, as per rules and that the suit property was registered as commercial site as such, there is no need to obtain CLU (change of land use).

10. In view of the aforesaid, this Court is of the considered view that the impugned order does not suffer any illegality or perversity to warrant interference.

11. The instant petition being bereft of merit, is accordingly dismissed.

November 04, 2024
Varinder

(VIKAS SURJ)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No