



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

113

CWP-31321-2024 (O&M)

Date of decision: 09.12.2024

Gaurav Singla

...Petitioner

VERSUS

State of Punjab and others

...Respondents

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present :- Mr. Pushp Jain, Advocate for the petitioner.

VINOD S. BHARDWAJ, J. (Oral)

Prayer in the present petition is for directing respondents No.1 to 4 to initiate an appropriate action against respondents No.5 and 6.

Learned counsel appearing on behalf of the petitioner contends that the petitioner alongwith his brother is running a shop under the name and style of Aggarwal Bartan Bhandar at Nihal Singh Wala Road, District Moga. He contends that the employees of Municipal Council, Baghapurana headed by respondents No.5 and 6 had taken away the utensils that were placed outside the shop and that they had acted in an arbitral manner by lifting only the utensils of the petitioner but without touching the utensils lying in the *warranda* and outside the shops of other shopkeepers. He contends that the said action against the petitioner is at the instance of the neighbours with whom they are already in dispute. It is also argued that the petitioner has thereafter been approaching the officials for release of the confiscated material by levy of penalty/challan, however, no action is being



taken thereupon.

The representations that have been appended alongwith the present writ petition have been addressed to the Deputy Commissioner as well as to the Sub-Divisional Magistrate and apparently, there is no such representation, which the petitioner had submitted before the competent authority of Municipal Council, Baghapurana.

The Municipal Authorities have also not been impleaded as party in the present petition i.e. the Inspector/Officials who had carried out the enforcement exercise under the provisions of Punjab Municipal Act.

Without going much into the controversy, the present petition is disposed of with liberty to the petitioner to approach the Executive Officer, Municipal Council, Baghapurana, alongwith an appropriate application. In the event of the petitioner submitting such an application alongwith compounding charges/penalty as may be levied by the competent authority, appropriate action for release of the confiscated material shall be taken by the respondents in accordance with law.

Let the needful be done within a period of 03 weeks of the submission of representation by the petitioner.

(VINOD S. BHARDWAJ)
JUDGE

09.12.2024
Mangal Singh

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