



115 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-PIL-183-2024 (O&M)

Date of decision: 03.09.2024

Kuldip Singh Khehra and another

...Petitioners

Versus

State of Punjab and others

..Respondents

CORAM: HON'BLE MR. JUSTICE SHEEL NAGU, CHIEF JUSTICE
HON'BLE MR. JUSTICE ANIL KSHETARPAL

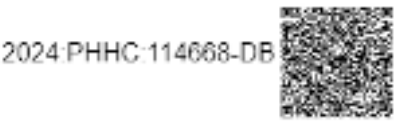
Present:- Mr. Inderjit Sharma, Advocate for the petitioners

Mr. Saurav Khurana, Addl. AG, Punjab
Mr. Anurag Chopra, Addl. AG, Punjab

Mr. Rakesh Roy, Advocate for
Mr. Abhilaksh Gaiind, Sr. Standing counsel
for respondent no.7

SHEEL NAGU, CHIEF JUSTICE (Oral)

1. The present Public Interest Litigation has been filed raising a dispute that a particular construction made about 35 years ago, was converted for commercial use in the year 2000 and is being used as such, causing nuisance to the neighbours. The grievance raised is that the area in which the said building stands and is being used for commercial purpose, is a residential area.
2. The petitioners have not been able to satisfy this Court about delay and laches with which they have approached this Court.
3. Even otherwise, Annexure P-12, order dated 22.11.2022, passed by the Commissioner, Municipal Corporation, Batala, disposing of the representation of the petitioners, reveals as under:-



“xxx xxx xxx

Vide letter No.65 dated 24.01.1994, the additional allotment was made 25 sq.yds. And received Rs.10624/- dated 25.01.1994 for building construction fees and the total land was 663.8 sq. yds and subsequently as per the scheme of the government the purchaser converted the housing plot into commercial plot after depositing the amount in the account of Improvement Trust and the said plot was converted into commercial plot and till date the site plan of complete building was not approved from the Improvement Trust Batala and with this respect a letter No.1678 dated 19.09.2002 was issued by the Improvement Trust Batala to the purchaser for submitting the complete constructed building plan.

Earlier the building in question was come within scheme of Improvement Trust Batala and the Improvement Trust Batala handed over the said scheme to Municipal Committee now Municipal Corporation and with this respect the letter dated 08.09.2003 issued by Improvement Trust Batala to Surjit Kaur.

xxxxxx xxxxx xxxxx

The said building was in existence when the said scheme was under the Improvement Trust Batala. The said building was in existence since very long.

As per the visit and report of Municipal Council Batala that the government school as mentioned in this application is very much far away from the said building. There is no any complaint from the ESI Dispensary and as per the record of the office there is no any complaint from the locality of



Dharampura Colony. As per the report of the office there is no any complaint by the police.

Even as per official record of the corporation Batala that no such complaint was received by the municipal corporation office as mentioned in the writ petition. After receiving the notice the committee official of the municipal corporation Batala issued the letter to the various department of the corporation about receiving the reports from the various departments that the nature of building, house tax, fire safety and the structure plan of the tower and as per the official record that there is no any report received from the pollution department about any hazard and dangerous waves from the tower. The improvement trust Batala has not come under the preview and control of Punjab municipal corporation. As per the report from the municipal corporation office that the Kuldeep Singh has filed a complaint section 133 for public nuisance before sdm court Batala and the said matter under section 133 cr.pc. And municipal corporation is also the party and the said case is subjudice before the Court of Sub Division Magistrate Batala.”

So with the above said observation the application stand disposed of.”

4. From the above, it is evident that the present petition suffers from delay and latches, which have not been explained by the petitioners. Accordingly, the writ petition is dismissed.
5. The dismissal of this petition shall not be taken as a confirmation of the commercial activity being carried out by respondent



no.9 and 10 and the petitioners are free to avail any other remedy available to them, under the law, for the said purpose.

(SHEEL NAGU)
CHIEF JUSTICE

(ANIL KSHETARPAL)
JUDGE

03.09.2024

rekha

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No