

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****205****COC-183-2017 (O&M)****Date of decision: 19.08.2025****Kirpal Singh Randhawa****...Petitioner(s)****Vs.****Vikas Pratap, Secretary, Local Bodies,
Civil Secretariat, Punjab and others****...Respondent(s)****CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA**

Present:- None for the petitioner.

Mr. Manmeet Singh Teji, A.A.G., Punjab.

Mr. Sandeep Khunger, Advocate and
Mr. Saksham Khunger, Advocate for respondent No.3.

Mr. Vinish Singh, Advocate for respondent No.7.

NIDHI GUPTA, J.

Present Contempt Petition has been filed by the petitioner alleging violation of order dated 18.11.2008 (Annexure P-1) passed in CWP (PIL) No. 7059 of 2008 and order dated 28.03.2012 (Annexure P-2) passed in COCP No. 343 of 2010 by the respondents.

2. Order sheets reveal that none has appeared on behalf of the petitioner on the last 2 dates of hearing. Even today even in second round, none has appeared on behalf of the petitioner. As such, matter being of such old vintage of the year 2016, same has been heard and decided in the absence of the petitioner.

3. Perusal of the Contempt Petition reveals that it has been averred that **CWP(PIL) No. 7059 of 2008** titled as "*K.S. Randhawa vs. State*



of Punjab and others” regarding illegal encroachment of public land especially in Amritsar, was disposed of by Division Bench of this Court vide order dated 18.11.2008 (Annexure P-1) with the following directions:

“We are in these proceedings not inclined to determine whether the encroachments in the city of Amritsar, referred to in paras 6 and 7 of the writ petition, involve any determination of title to the property encroached upon. The very nature of these proceedings is in our view not suited for any such determination. All that we are inclined to direct is that the Municipal Corporation and the Town Improvement Trust authorities at Amritsar ought to draw up a proper and comprehensive plan of action for removal of such encroachments as are found within their respective jurisdictions. We can appreciate that encroachments being a continuous process and the having taken place over past many years at numerous places in the city, the process of removal cannot be done over night. All the same the Improvement Trust and the Municipal Corporation ought to prioritize the areas in which removals cannot brook delay while others which can be taken up in due course. Any encroachment on public roads and footpaths must in our opinion be on the top of the priority list of both the Corporation and the Improvement Trust as encroachments on public thoroughfares and footpaths cause serious inconvenience to the inhabitants of the city. Similarly, encroachments in or around market places and Institutions, which are visited by the public in large number must also get the priority of the authorities for such encroachments also create great inconvenience to those visiting such places. In addition, encroachments whether by way of dumping of garbage/littering, scattering or displaying of goods for sale, parking of vehicles present a conducive environment for any subversive activity threatening human lives and property. Thickly populated areas with high density of floating population should, therefore, be specially taken care of by the authorities for removal of encroachments. Suffice it to say that the Municipal Corporation and the Improvement Trust would do well to identify and categorize encroachments and take suitable and effective action for removal of the same



strictly in accordance with provisions of law without any further loss of time. This will include encroachments, referred to by the petitioner in paras 6 and 7 of the petition also. We make it clear that in case the petitioner or any other citizen for that matter points out any encroachments to the concerned authorities, the complaint ought to be taken note of and suitably dealt with so that the process of multiple rounds of litigation for removal of encroachments comes to an end. We further clarify that the direction issued by this Court in the present proceedings shall be deemed to be effective in future making it unnecessary for this Court to issue any further directions in the matter or entertain any other petition on the subject. This would imply that in case there is any grievance made by any citizen regarding non-removal of the encroachments or inaction or apathy on the part of the officials of the Municipal Corporation or the Improvement Trust, the next round of litigation will be only in the form of contempt proceedings against those who ignore the directions hereby issued.

This writ petition is disposed of with the above directions. Respondents No. 1, 5 and 6 shall lend all such assistance to the Town Improvement Trust and Municipal Corporation as may be found necessary in effectuating the steps that the said respondents may take in the matter. No costs."

4. It has been averred in the present petition that the said directions were not complied with by the respondents despite several representations made by the petitioner and verbal requests. Accordingly, petitioner had filed COCP No. 343 of 2010 which was disposed of vide order dated 28.03.2012 (Annexure P-2) in terms of directions/order dated 17.01.2012 (Annexure P-7) issued by this Court in COCP No. 1299 of 2009. It has been averred in para 15 that however as no action has been taken till date by the respondents despite filing of COCP-343-2010, present Contempt Petition has been filed.



5. Learned counsel for the respondents vehemently opposes assertions made on behalf of the petitioner and submits that directions of Division Bench of this Court in order dated 18.11.2008 (Annexure P-1) as also the order dated 28.03.2012 (Annexure P-2) passed in COCP-343-2010 have been duly complied with. In this regard, learned counsel for the respondents refers to the averments made in Status Report dated 02.02.2023 filed by way of additional affidavit of Pardeep Jaswal, Superintending Engineer, Amritsar Improvement Trust, Amritsar in continuation of previous affidavit dated 22.10.2019. It is accordingly prayed that the present contempt petition is a misuse of the due process of law and deserves to be dismissed.

6. I have heard Id. counsel and also perused the case file in detail.

7. The record reveals that the Petitioner had earlier filed CWP 11708/2002 in public interest for removing encroachment which was allowed on 22.09.2003 directing Improvement Trust to take action for removal of such encroachments. Thereafter, the petitioner had filed the present CWP(PIL) No. 7059 of 2008 alleging that encroachment was done in the Green Belt Parks, Improvement Trust Area, Kabir Park and plots of Municipal Corporation of Amritsar upon which order dated 18.11.2008 (Annexure P-1) was passed. Following the above judgment MC Amritsar started work of removing the encroachment from Govt. Land. However, it was the view of the petitioner that the said directions had not been sufficiently complied with. Accordingly, petitioner had filed the first COCP

No. 343/2010 for violation of order dated 18.11.2008. The said Contempt petition was disposed of in view of direction already issued vide order dated 17.01.2012 in COCP-1299-2009 and authorities were directed to decide all proceedings within 3 months from the date of submission of such application. In the present contempt petition, it has been alleged by the petitioner that for the last 8 years authorities have not taken any action to comply with order dated 18.11.2008.

8. However, a perusal of above referred Annexure R-2 reveals that it has been stated therein as follows: –

BRIEF AS ON 28-10-2022

Sr. No.	Area in Sq. Yds.	Description	%age
1	98800	Total Encroachment	
2	82750	Removed by Trust till date	83.75%
3	3775	Possession not taken	3.82%
4	475	Not Awarded	0.48%
5	3975	Under Stay	4.02%
6	7825	Under Litigation	7.92%
			100.00%

9. Perusal of the above chart shows that as on 28.10.2022 the total area stated to be under encroachment measured 98800 sq. yds.; of which encroachment in 82750 sq. yds. i.e. 83.75% encroachment had been removed by the respondent-Trust. As regards the remaining area, when total area of 98800 sq. yds. was acquired by the respondent-Trust, possession of 3775 sq. yds was not taken by the Trust; no Award was passed in respect of 475 sq. yds; 3975 sq. yds. is under stay granted by Courts; and 7825 sq. yds. is under litigation.



10. A further detailed compilation has been given in respect of encroachment removed in the area measuring 82750 sq. yds. as per individual plot numbers and khasra numbers (available at page 123 to 126 of the paperbook).

11. In view of the facts noted above, it is clear that the directions issued by this Court vide order dated 18.11.2008 and 28.03.2012 (Annexures P-1 and P-2) have been complied with.

12. In view of the above, no further directions are required to be issued. The present Contempt Petition is hereby **disposed of**.

13. **Rule stands discharged.**

14. Pending applications, if any, stand disposed of.

19.08.2025

Divyanshi

(NIDHI GUPTA)
JUDGE

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