



CWP-11998-2024

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

(111)

CWP-11998-2024

Date of Decision : 12.03.2025

Navdeep Singh

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Ashish Kumar, Advocate for
Mr. Parveen Chauhan, Advocate
for the petitioner.

Mr. Pardeep Bajaj, DAG, Punjab
for respondents No.1 to 6.

Mr. Parminder Singh, Advocate
for respondents No.7 to 9.

Mr. Amarpreet Singh, Advocate
for respondents No.10 and 11.

KULDEEP TIWARI, J.(ORAL)

1. Through the instant petition, cast under Articles 226/227 of the Constitution of India, a prayer is made for issuance of a writ, in the nature of mandamus, directing the respondents No.2 to 6, to initiate legal action against the respondents No.7 to 11, who are stated to be involved in trespassing upon the public land i.e. the shop owned by the Municipal Council, Patti.

2. Upon notice, short reply by way of affidavit of Mr. Anil Kumar Chopra, Executive Officer, Municipal Council, Patti, District Tarn Taran, has been filed.

3. What surfaced from the perusal of the short reply (supra), is that on coming to know about the illegal occupation of the shop, in question, apposite action was taken against the respondents No.10 and 11, and the possession was restored in favour of the Municipal Council, concerned.

However, the respondents No.10 and 11, again took the possession on dated



13.01.2024, and the moment it was brought to the knowledge of the Municipal Council, Patti, on dated 02.02.2024, the officials of the Municipal Council concerned, again took action and this time the shop, in question, after taking the possession was sealed.

4. In view of the specific submissions, as made before this Court, which is not even disputed by the Municipal Council concerned, that there was an attempt to illegally encroach upon the shop of the Municipal Council, Patti, not once but twice. What is not coming forth, as to why this shop has never been put to apposite use, by way of putting the same either on lease, or by any other means, and why the authorities concerned, remained indolent and indifferent, for not taking apt action against the encroachers concerned, who admittedly encroached upon the shop of the Municipal Council concerned, without any permission.

5. The photographs, which are attached with the instant petition shows that the shop was put to use for the purpose of bakery, and *prima facie* this Court is of the view that this is not possible without the connivance of some officials of the Municipal Council concerned.

6. Therefore, without observing anything further on the merits of the instant petition, this Court deems it fit and appropriate to direct the Deputy Commissioner, Tarn Taran, to examine the entire matter, and thereupon, take apt action as required under the law.

7. Consequently, the instant writ petition is **disposed of**.

8. The above said exercise shall be carried out within a period of three months from the date of receipt of certified copy of this order/judgment.

(KULDEEP TIWARI)
JUDGE

March 12, 2025
Manpreet

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