



CWP-9590-2026

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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

(122)

CWP-9590-2026

Date of decision:- 21.04.2026

Avtar Singh

... Petitioner

Versus

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL
HON'BLE MR. JUSTICE VIKAS SURI

Present:- Mr. N.P.S.Mann, Advocate, for the petitioner.

Mr. Arun Khurmi, Advocate, for respondent No.4.

SUVIR SEHGAL, J. (ORAL)

1. This petition has been filed under Article 226/227 of the Constitution of India, *inter-alia*, for issuance of a writ of mandamus directing respondents-authorities to ensure that a parcel of land situated in village Maujpur, District S.A.S. Nagar, is kept clean and free from cow dung, hay and other alleged animal waste.

2. Counsel for the petitioner states that the land, in question, which is lying vacant belongs to Housing and Urban Development Development/GMADA. He alleges that certain dairy owners are using the land for tethering cattle and they are dumping waste material resulting in foul smell, mosquitoes and unsanitary conditions affecting the residents of the locality. He contends that various representations and legal notice have been submitted by petitioner, but no effective action has been taken by the authorities. It is his stand that Article 21 of the Constitution has been violated.

3. After hearing counsel for the petitioner and perusing the record, this Court finds that the grievance raised is essentially with regard to local sanitation, alleged nuisance and misuse of land by private individuals. A relief sought is in



the nature of directing the authorities to take action for clearing the land and preventing dumping of waste. Such matters squarely fall within the domain of local municipal or administrative authorities, who are vested with statutory powers under the relevant municipal and development laws. Writ jurisdiction under Article 226 is discretionary and equitable. It is well settled that where effective alternate remedies are available, particularly before local authorities or competent statutory forums, High Court ought not to exercise its extra ordinary jurisdiction.

4. In the present case, petitioner has not demonstrated that he has exhausted the statutory remedies available under the municipal laws. The dispute involves disputed question of fact, including identification of misusers and encroachers as well as the extent of nuisance. All this requires factual determination, which is not amenable to the writ jurisdiction. Even otherwise, a prayer for general direction to maintain cleanliness and prevent nuisance is vague. Such a prayer cannot be enforced through a writ of mandamus in the manner sought by petitioner. For the above reasons, this Court is not inclined to exercise its writ jurisdiction.

5. Writ petition is dismissed and liberty is granted to petitioner to take recourse to the appropriate remedies in accordance with law before the competent authority.

(SUVIR SEHGAL)
JUDGE

21.04.2026
Kamal

(VIKAS SURI)
JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No