

**CRM-M-18324-2025(O&M)****1****IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH****126****CRM-M-18324-2025(O&M)****Decided on:27.08.2025****Osama Qureshi****.....Petitioner****Versus****State of Punjab and another****.....Respondents****CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH**

Present: Ms. Divya Jerath, Advocate for the petitioner.

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**SANJAY VASHISTH, J.**

1. Petitioner-Osama Qureshi, has filed the present petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, seeking quashing of the impugned order dated 10.07.2024 (Annexure P-1), passed by the learned Sub-Divisional Magistrate, Malerkotla under Section 142 Cr.P.C., whereby a temporary injunction was granted against the petitioner in a petition filed under Section 133 Cr.P.C.
2. While issuing the temporary injunction and directing the petitioner to appear before the Executing Court, the learned Magistrate took note of the report submitted by the Executive Officer, Municipal Council, Malerkotla, which stated that the petitioner was constructing a building without obtaining prior approval of the site plan.
3. It was further observed that the petitioner was required to commence construction only after obtaining sanction of the building plan. Upon his failure to comply with these requirements, a notice under Sections 195 and 195-A of the Punjab Municipal Act, 1911 was issued by the Executive Officer, Nagar Council, Malerkotla.



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4. Additionally, order recorded that, as per the Executive Officer's report dated 08.07.2024, even the municipal connection had not been approved and that the petitioner was unlawfully dumping dung/waste into the municipal sewage system, thereby causing sanitation and public health concerns.

5. The petitioner was directed to appear before the Executing Court on 31.07.2024 to file his reply. He duly appeared, and, in consequence, an order dated 14.02.2025 was passed by the Assistant Executing Officer, Nagar Council, Malerkotla, informing the petitioner that, in accordance with the applicable instructions, he was required to keep the stable closed until final adjudication of his case. The order further stated that failure to comply would result in appropriate action, the costs of which would be borne by the petitioner.

6. Thereafter, petitioner submitted his reply dated 17.02.2025 to the Sub-Divisional Magistrate, Malerkotla. However, learned counsel contends that despite the submission of the reply, no final decision has been rendered by the competent authority. Hence, the petitioner has approached this Court, challenging the interim injunction order (Annexure P-1) as well as the consequential proceedings.

7. While exercising powers under Section 528 of the BNSS, 2023, or even under the constitutional jurisdiction conferred by Article 226 of the Constitution of India, the prime issue for consideration is whether the construction was undertaken without proper sanction and whether the accumulation of cow and buffalo dung in municipal drains



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has resulted in foul odour and a public health hazard, fostering breeding grounds for mosquitoes, flies, and other insects capable of spreading diseases such as dengue, malaria, and other serious illnesses.

8. Since petitioner's reply is already on record before the concerned authority, present petition is disposed of with a direction to the said authority to take a final decision on the matter within a period of six weeks from today.

**(SANJAY VASHISTH)**  
**JUDGE**

**August 27, 2025**  
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Whether Speaking/Reasoned: **YES/NO**  
Whether Reportable: **YES/NO**