



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

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COCP No.5416 of 2024 (O & M)

Date of decision :-07.08.2025

Gopal Krishan

.....Petitioner

Versus

**Shri V. Umashankar, Secretary of Ministry of Road
Transport and Highways of India of Union of India and others**

.....Respondents

CORAM:- HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. Kritik Jain, Advocate for
Mr. Vishal Aggarwal, Advocate
for the petitioner.

Mr. Manmeet Singh Teji, AAG Punjab.

Ms. Ekta Thakur, Advocate with
Ms. Shikha, Advocate for respondent No.4.

NIDHI GUPTA J. (Oral)

Prayer in this petition is for initiation of contempt proceedings against the respondent for not complying with the order dated 09.7.2013 (Annexure P-10) passed by a Division Bench of this Court in CWP-4559 of 2007 titled as "Court on its own motion vs. State of Punjab and others" whereby the petition was disposed of with the following directions :-

"xxx xxx xxx

*Taking note of facts & circumstances, we
dispose of this writ petition by issuing directions
that the Departments of Town & Country Planning
and also the Forest Department in both the States,*



shall appoint a Senior Government Officer as a Nodal Officer, who shall check out such like illegal construction on the roadside and take action against un-authorised construction/carving out of un-authorised passage through the Forest Land on the roadside. Name and designation etc. be referred on the official web sites of the above departments.

So far as area falling in the Municipal limits is concerned, the States are directed to issue directions to the Municipal Councils to take action as per law.

It is further directed that if any complaint is received by the Nodal Officer so appointed, regarding un-authorised construction and/or carving out of un-authorised passage through the Forest Land abutting the road, immediate action shall be initiated.

The State shall do the needful within 2 months from the receipt of a copy of this order.”

Vide order dated 09.7.2013 (Annexure P-10), the Hon'ble Division Bench of this Court had taken suo motu cognizance of the fact that some Dhaba owners had come to the Court by way of Civil Writ Petition No.3999 of 2007 praying for issuance of direction to the State of Haryana not to demolish their roadside construction. Accordingly, the Court on its own motion initiated the said Civil Writ Petition No.4559 of 2007 whereby the respondent-State of Punjab was given the direction (reproduced above) vide order dated 09.7.2013.

It is pointed out by learned counsel for the respondent No.4 that the petitioner herein had sought the above said relief



mentioned in the order (Annexure P-10) by way of a Civil Suit No.685 of 2018 for “*Permanent Injunction restraining the defendants from constructing any temporary or permanent urinal at point ABCD shown in red colour in the site plan annexed here to and accept a which proposed site is adjacent to the Confectionary shop of the plaintiffs is known as "Kansal Confectionary Store" owned by plaintiff no. 2 and wherein business is run by both the plaintiffs, situated at old bus stand, Bhawanigarh, forcibly, illegally and in any manner.*” The said suit was dismissed in default by the learned trial Court for want of prosecution vide order dated 13.10.2021 (Annexure R-4). It is clarified by learned counsel for respondent No.4 that the demolition of the public urinal sought by the petitioner were existing way-back in the year 1998. The said urinals are existing in a busy market and are close to the Bus Stand as stated in para 4 of the reply dated 04.5.2025 filed by way of affidavit of Shri Ashwani Kumar, Executive Officer, Municipal Council, Bhawanigarh, District Sangrur. It is further pointed out there was demand by the general public that the said urinals be renovated and refurbished as they are very old. Accordingly, a Resolution dated 13.10.1997 (Annexure R-3) was passed by respondent No.4. Furthermore, the urinals were constructed for ladies and gents in accordance with public demand in pursuance to the Resolution dated 13.10.1997 (Annexure R-3).

It is further submitted that even as per the Swachh Bharat Mission implemented by the Ministry of Urban Development and by the Ministry of Drinking Water and Sanitation for Urban and Rural



Areas, the guidelines have been issued, as per which it has been directed that Public Toilets and Urinals be constructed in prominent places within the city where there is high footfall. Learned counsel refers to the photographs (Annexure R-5) to show that the said Urinals exist in a busy market and close to the Bus Stop.

In view of the aforesaid facts, the present Contempt Petition stands **dismissed**.

Rule stands discharged.

Pending application(s), if any, shall stand disposed of.

August 07, 2025

Vijay Asija

(**NIDHI GUPTA**)
JUDGE

Whether speaking/reasoned Yes / No

Whether Reportable Yes / No