

**COCP-2198-2013 (O&M)**

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

**COCP-2198-2013 (O&M).  
Decided on: October 11, 2013.**

**Baldev Singh**

**..... Petitioner**

**Versus**

**Uma Shankar, Commissioner, Municipal Corporation, Bathinda  
and others**

**..... Respondents**

**CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI**

**PRESENT Mr.P.K.S.Phoolka, Advocate,  
for the petitioner.**

**M.M.S. BEDI, J. (ORAL)**

Petitioner who claims himself to be a public spirited person has filed this contempt petition alleging that the respondents have willfully disobeyed order dated 17.1.2012, Annexue P1, passed by this Court in COCP No.1299 of 2009.

A perusal of the order dated 17.1.2012, Annexure P1, indicates that certain guidelines/directions had been given to the authorities of the Municipal Corporation, Ludhiana applicable to the Municipal Authorities to get the illegal encroachments removed in accordance with law. Monitoring committees to be headed by responsible and respectable persons of the local area associating SHOs of the local area were also ordered to be constituted within a period of six months from the date of receipt of the order. The petitioner claims that though a legal notice had been issued to the

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Deputy Commissioner, Municipal Corporation, Bathinda for removing the illegal encroachments in the area of Adarsh Nagar, Bathinda, but said notice has not been considered in the light of the directions and a reply, Annexure P3, has been sent taking up an evasive stand that the directions of the Court have been complied with by issuing notice under Sections 246 and 262 of the Punjab Municipal Corporation Act 1976 clarifying that the civil suits are pending against four persons named in the legal notice.

Prima facie, there does not appear to be any willful disobedience of any order passed by this Court. Besides this, it is also not the case of the petitioner that the respondents are, in any manner, conniving with the encroachers in the suit pending for injunction. It will be open to the petitioner to request the Municipal Corporation for vacation/modification of any interim injunction and request the civil Courts to decide the application within a stipulated period as per the directions in order, Annexure P1.

Without prejudice to the rights of the petitioner to approach respondent No.1 or the Monitoring Committee to curb the vice of encroachments on public property, this petition is disposed of, at this stage, as premature.

**October 11, 2013.**  
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**(M.M.S. BEDI)**  
**JUDGE**