

**CR-6314-2025****IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH**

(121)

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Date of Decision:-09.09.2025

Radhey Shyam and Others

.....Petitioners

Versus

Municipal Committee, Nissing, District Karnal

.....Respondent

**CORAM: HON'BLE MR. JUSTICE AMARINDER SINGH GREWAL**

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Present: Mr. Vikram Singh, Advocate,  
for the petitioners.

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**AMARINDER SINGH GREWAL, J. (Oral)**

1. The present revision petition has been filed under Article 227 of the Constitution of India for setting aside the order dated 02.09.2025 (Annexure P-2) passed by the learned Additional District Judge, Karnal whereby a well reasoned order dated 21.07.2025 (Annexure P-1) passed by learned Civil Judge (Junior Division), Karnal has been set aside and the injunction application of the petitioner under Order 39 Rule 1 & 2 of CPC, 1908 has been dismissed.

2. Brief facts of the case are that the petitioners, who are small shopkeepers running meat shops No. 1 to 13 near Bus Stand, Nissing for the last more than 35 years, filed a suit for permanent injunction, praying that they be not forcibly dispossessed from their existing shops without provision of a proper alternative site with basic amenities. In this case, the officials of the Municipal Committee offered them an alternative site

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behind the Bus Stand, Nissing, subject to provision of electricity, water, approach road, and boundary wall. Upon this, the petitioners agreed. However, the authorities subsequently shifted from their earlier stand and insisted upon relocating the petitioners to a site situated behind the New Anaj Mandi, approximately six kilometers away from their existing shops, which, according to the petitioners is unhygienic, without road access, and surrounded by garbage and drainage carrying chemical waste. The respondents filed written statement before learned trial Court. In their written statement, they denied the maintainability of the suit and claimed that the Government has taken a policy decision to shift meat markets/slaughter houses to the newly constructed shops behind Anaj Mandi, Nissing. They further contended that the newly constructed shops were to be allotted on rent through an open auction process and, in this regard, notice No. 1025-1036/MCN dated 09.07.2025 was issued to the petitioners, wherein preference was given to them to participate in the said auction.

3. Subsequently, the learned Trial Court, after considering the material, photographs, and submissions, held that the site behind Anaj Mandi lacked basic amenities. It was observed that merely providing a roof without ensuring hygienic surroundings, approach road, water, and electricity cannot satisfy the directions of the Hon'ble High Court in **CWP No. 16148 of 2016 (Radhey Shyam & Ors. vs. State of Haryana & Ors.)**, wherein it was ordered that modern slaughterhouse premises with basic facilities must be provided. The learned Trial Court restrained the respondents from dispossessing the petitioners until such amenities were

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ensured at the alternative site. Aggrieved with the same, the respondents filed appeal before the Court of learned Additional District Judge, Karnal. Vide order dated 02.09.2025, learned Appellate Court reversed the impugned injunction order. The Appellate Court held that since the Government had already constructed shops near Anaj Mandi and had incurred substantial expenditure, the balance of convenience was not in favour of the petitioners. It was further observed that the petitioners must participate in the public auction for allotment of such shops. Consequently, the injunction application was dismissed.

4. Learned counsel for the petitioners submits that the findings recorded by the Trial Court were well-reasoned, based upon documentary as well as photographic evidence, and there was no perversity therein warranting interference by the Appellate Court. It is urged that the Appellate Court completely overlooked the binding directions of this Court in *CWP No. 16148 of 2016*, wherein the authorities were mandated to provide an alternative site equipped with basic amenities and hygienic conditions. Counsel further points out that the Trial Court had categorically directed the respondents—Municipal Committee, Nissing, that in the event they intended to shift the petitioners to the New Anaj Mandi site, they must first ensure the availability of essential facilities such as link road, electricity, water supply, and cleanliness; until such facilities were provided, the petitioners were not to be displaced. It is lastly submitted that compelling the petitioners to shift to an unhygienic place would result in irreparable loss of livelihood and health, which cannot be compensated in monetary terms.

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5. I have heard learned counsel for the petitioners and perused the paper book.

6. Considering the limited nature of the relief sought by the petitioner, issuance of notice to the respondents is dispensed with, as the same would further delay the proceedings.

7. It is not in dispute that the petitioners are presently carrying on the business of sale of meat in temporary *khokhas* situated along the public highway near Bus Stand, Nissing. The stand of the respondents—Municipal Committee, Nissing, is that such *khokhas* cannot be permitted to remain on the public highway and the petitioners, along with similarly situated shopkeepers, are required to be shifted to the newly constructed shops at the New Anaj Mandi. The main grievance raised by the petitioners is that the shops in the New Anaj Mandi are unsuitable for rehabilitation, as they are not connected with a proper link road and the surrounding environment is unhygienic, surrounded by garbage and drainage carrying chemical waste. These submissions weighed with the learned Civil Judge (Junior Division) while granting injunction vide order dated 21.07.2025.

8. However, this Court is of the considered view that once the Municipal Committee, in compliance with Government policy, has already constructed a new block of permanent shops in the Anaj Mandi area for accommodating the meat market, the petitioners cannot legitimately oppose their relocation to the said site. On the contrary, shifting to permanent, pucca shops would ultimately be for the benefit of the petitioners themselves, as it would provide them with a more structured place of business instead of continuing in temporary *khokhas* on the public highway.

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9. It must also be borne in mind that the petitioners have no vested or fundamental right to occupy public land or run their trade from temporary structures on the highway. Reference may be made in this regard to the order dated 25.01.2017 passed by the Principal Secretary to Government, Haryana, Urban Local Bodies Department, wherein, after considering the representation of the petitioners and the judgment of this Court in *CWP No. 6384 of 2001 (Amir Singh v. State of Haryana & Ors.)*, directions were issued to the Municipal Committee, Nissing, to prepare a proposal for the construction of a slaughterhouse and meat market and thereafter to shift all eligible applicants to the newly constructed facility. In pursuance of the said policy, the Municipal Committee has already constructed shops at the New Anaj Mandi and notified that the allotment of such shops would be made through a transparent process of public auction, with preference given to the petitioners as existing meat sellers. Once such a decision has been taken at the policy level, the petitioners cannot be permitted to obstruct the relocation merely on the ground that they find the new site inconvenient.

10. Since the Municipal Committee has now constructed shops at the New Anaj Mandi site for the purpose of accommodating the meat market and slaughterhouse and the decision to relocate the meat market and slaughterhouse to the Anaj Mandi having already been taken by the competent authority, the petitioners should not have any grudge regarding the same, particularly when allotment of such shops would be made through a transparent process of public auction, with preference given to the petitioners as existing meat sellers. Accordingly, this Court is of the

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opinion that the order passed by the learned Additional District Judge, Karnal, dated 02.09.2025 cannot be termed as illegal, perverse, or arbitrary so as to warrant interference.

11. Resultantly, finding no merit in the present civil revision, the same stands dismissed.

12. Pending applications(s), if any, shall also stand disposed of.

**(AMARINDER SINGH GREWAL)**  
**JUDGE**

**09.09.2025**

*Shubham*

Whether speaking/reasoned:-	Yes/No
Whether Reportable:-	Yes/No