

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

COCP-1948-2021

Date of decision : 25.11.2021

Kewal Krishan

..... Petitioner (s)

Versus

Bhupinder Pal Singh and another

..... Respondent (s)

CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

Present: Mr. U.K. Kanwar, Advocate
for petitioner (s).

Ms. Kanica Sachdeva, AAG Punjab.

Mr. Sandeep Khunger, Advocate
for respondent No. 2.

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HARINDER SINGH SIDHU, J.

Petitioner had filed CWP-34259-2019 seeking directions for removal of encroachment from public street made by respondents No. 3 and 4 in the said writ petition. The writ petition was disposed of with a direction to Director, Local Bodies, Punjab to look into the representation of petitioner and take action thereon expeditiously.

Status report by way of affidavit of Rajnish Kumar, Executive Officer, Nagar Council, Fazilka, District Fazilka has been filed wherein it has been stated that petitioner had concealed from the Court that he had already instituted a civil suit titled as 'Kewal Krishan Versus Hari Om and others' for mandatory injunction seeking removal of encroachment plus various other reliefs which is pending. However, with regard to direction in the writ petition, it is stated that the area, where respondents No. 3 and 4 in the writ petition have constructed their houses, is situated in old area. The construction has been raised several decades ago. The Municipal Council, Fazilka had only developed the area by constructing the street and providing water supply, sewerage and drainage facilities. The building line of the street is not in a straight line and encroachment over the pushta of drain cannot be ascertained using standard criteria. Some encroachments made by respondents No. 3 and 4 in the writ petition have already been removed. It is stated that all the residents of street including petitioner had constructed their footsteps in the streets.

Any excess or illegal construction raised by any violators shall be compounded only as per rules and regulations prescribed under the Punjab Municipal Act after the decision of the civil suit.

In view thereof, no further directions are required in the contempt petition and same is disposed of.

(HARINDER SINGH SIDHU)
JUDGE

25.11.2021
sjks

Whether reasoned order : Yes / No

Whether reportable : Yes / No