



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

201

1.

CWP-5334-2000 (O&M)

DAIRY WELFARE UNION

...Petitioner

Versus

STATE OF PUNJAB AND ORS.

...Respondents

2.

CWP-17933-2003 (O&M)

BALKAR SINGH AND ORS.

....Petitioners

Versus

STATE OF PUNJAB AND ORS.

...Respondents

3.

CWP-17597-2003 (O&M)

SUKHCHAIN SINGH AND OTHERS

...Petitioners

Versus

STATE OF PB AND OTHERS

...Respondents

4.

CWP-16741-2003 (O&M)

SURINDER KUMAR AND ORS.

....Petitioners

Versus

STATE OF PUNJAB AND ORS.

...Respondents

Date of decision: 13.08.2025

**CORAM: HON'BLE MR. JUSTICE SHEEL NAGU, CHIEF JUSTICE
HON'BLE MR. JUSTICE SANJIV BERRY**



CWP-5334-2000 (O&M) and connected cases

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Present: Mr. Sukant Gupta, Advocate
for the petitioner in CWP-5334-2000.

Mr. Vipul Aggarwal, Advocate
for the petitioners in CWP-17597-2003.

None for the petitioners
in CWP-17933-2003 and CWP-16741-2003.

Mr. J.S. Toor, Advocate
for respondents No.2 and 3
in CWP-5334-2000 and CWP-16741-2003.

Ms. Deepali Puri, Advocate
for respondents No.2 and 3
in CWP-17933-2003 and CWP-17597-2003.

Mr. Salil Sabhlok, Sr. DAG, Punjab.

SHEEL NAGU, C.J. (Oral)

1. This common order shall dispose of all the afore-mentioned petitions as the issue is similar in all these petitions. For the sake of brevity, facts are taken from CWP-5334-2000.
2. This petition has been filed by Dairy Welfare Union, which comprised of members who are dairy owners. Dairies of members of petitioner-Union were running within the walled city of Amritsar. The prayer in the petition was made to quash notices (Annexures P-12 and P-14) issued by the Municipal Corporation, Amritsar asking the dairies situated within Amritsar to shift outside the municipal limits of Amritsar within 15 days, failing which the Corporation would be compelled to exercise permissible force with the aid of Police to evict the dairies.
3. Initially this Court while taking cognizance of the matter on 18.05.2000 asked the members of the petitioner-association to submit an undertaking that they would shift outside the municipal limits of Amritsar, latest by 29.05.2000. Pursuant thereto, written undertakings were furnished by 523



members of the petitioner-association, taking the total to 1312 members, who had filed their written undertakings. These undertakings were however subject to the statement made by counsel for Municipal Corporation that the authorities are actively considering the question of re-settlement of these dairies outside the municipal limits of Amritsar.

3.1 Thereafter on 11.08.2000, counsel for Municipal Corporation informed that 500 sites had been made available by the Corporation at the Municipal Corporation Complex and Improvement Trust Complex for allotment to dairy owners, who have submitted their undertakings. Members of the petitioner-association were also given option to apply for allotment of sites.

4. Learned counsel for Municipal Corporation informed that 957 dairies were identified as operating within the municipal limits of Amritsar for shifting, for which the two complexes were developed by Municipal Corporation, Amritsar and Improvement Trust, Amritsar for re-settlement.

4.1 It was also informed by counsel for the Municipal Corporation, Amritsar that all the dairies operating within the walled city of Amritsar had already been shifted out of the municipal limits of Amritsar.

4.2 Learned counsel for the petitioner, while pointing out the order dated 12.10.2001, emphasizes that 500 vacant plots were available to be allotted to the dairy owners, who were to be shifted out of the municipal limits of Amritsar.

5. Thereafter, on 29.07.2002, the parties were at consensus that 497 dairy owners have been identified, whose list is on record, and thus the Court directed these 497 dairy owners to move to the newly allotted sites within a month, on deposit of requisite money i.e. the reserve price fixed by the authorities concerned, failing which the Court would be free to proceed in



contempt against either of the parties on account of failure to comply with the orders of the Court.

6. In the meanwhile, petitions bearing No.CWP-17933-2003, CWP-17597-2003 and CWP-16741-2003 were filed by individual dairy owners in which by interim orders dated 20.11.2003, 25.11.2003, and 31.10.2003 respectively, dispossession of the petitioners therein (dairy owners) was stayed, and thereafter, those petitions were admitted for hearing, and the interim orders continue to subsist till date in those individual cases.

7. In the present case, this Court vide order dated 05.12.2002 passed an interim order that the members of the petitioner-association will not be dispossessed, subject to their complying with the earlier orders of submitting their undertakings latest by 31.03.2003, and in case they fail to do so, then the earlier orders of eviction shall become effective.

7.1 Thereafter, the instant petition has remained pending since last more than 20 years.

8. Learned counsel for the Municipal Corporation, Amritsar after seeking instructions has informed that out of the total plots allotted for re-settlement of the dairies to be shifted outside the municipal limits of Amritsar city, 106 plots are still lying vacant in Fatehpur Dairy Complex, out of which 42 plots are measuring 300 square yards and 74 plots are measuring 600 square yards.

8.1 Learned counsel for the Municipal Corporation further informs that 430 dairies are still running within the municipal limits of Amritsar.

9. It is surprising to note that 430 dairies are still functional within the municipal limits of city of Amritsar. These dairies are primarily functioning in residential areas, causing great concern about hygiene and sanitation.



10. In view of the above developments that have taken place in the last more than 20 years, and the fact that lot many dairy owners have already shifted outside the municipal limits, and there are still 106 plots lying vacant, this Court directs by way of Writ of Mandamus that all existing dairy owners, having operational dairies within the municipal limits of Amritsar, to be issued a notice of eviction by Municipal Corporation, Amritsar within a period of three months from today, and if they fail to comply with the same, then the Municipal Corporation is directed to apply permissible force in law with the aid of police if required, to evict them, after allotting them vacant plots by a transparent method of draw of lots or any other reasonable and rational mode, and after following due process of law including opportunity of hearing.

11. In any situation, the process of evicting the dairies operating within the walled city of Amritsar ought to be completed, latest by 31.12.2025, and report of compliance be submitted by the said date, failing which the matter be taken up for execution of this order before the appropriate Bench.

12. In the aforesaid terms, writ petitions stand disposed of.

13. Pending applications, if any, shall stand disposed of accordingly.

(SHEEL NAGU)
CHIEF JUSTICE

(SANJIV BERRY)
JUDGE

13.08.2025

mohit goyal

Whether speaking/reasoned	:	Yes / No
Whether reportable	:	Yes / No