

CWP No. 8801 of 2012 (O&M)

Parbodh Chander Bali

Vs.

Chief Secretary to Govt. of Punjab, Chandigarh and others

Present : Mr. Saurabh Khurana, Advocate (Amicus Curiae) with
Mr. Parbodh Chander Bali, petitioner in person.

Mr. Harsimran Singh Sethi, Addl. Advocate General, Punjab
for respondents No.1 to 4.

Mr. Kunal Mulwani, Advocate, for respondent No.5.

An affidavit affirmed by Special Secretary, Government of Punjab, Department of Local Government, dated 13.12.2013, has been placed on record, in terms whereof the recruitment process for Building Inspectors (Technical) is now over and the appointment letters will be issued shortly.

It is undertaken before us by the learned Addl. Advocate General, Punjab on behalf of the Department that the appointment letters will be issued within a maximum period of two weeks and it is stated that by this process all the posts would have been filled. Thus, the issue of shortage of manpower in terms of Building Inspectors would be taken care of.

An affidavit has been filed by the Municipal Town Planner, Amritsar stating that for the year 2008-09, 191 notices were pending, out of which 66 notices were for the irregular construction in the authorized colonies/core area and 125 in unauthorized colonies. 187 notices are stated to have been compounded with recovery of ₹ 25,12,721/-. Four cases are stated to be pending in Courts due to which further action is not possible. For the year 2009-10, it is stated that all endeavour is being made to complete the process by 28.02.2014.

The Municipalities of Jalandhar and Ludhiana impleaded as respondents No. 5 and 6, however, have not placed on record any document to show as to what action they have taken.

Learned counsel for the petitioner submits that there are two aspects which must be taken care of to prevent unauthorized constructions:-

- i) At the time when the unauthorized construction is detected, photographs must be taken and those photographs can be sent with the notices so that a situation does not come to pass that thereafter also the construction is made and then ignorance is pleaded by the violators.
- ii) Wherever required adequate police force must be made available for enforcement and removal of unauthorized constructions.

Both suggestions are salutary and we adopt them and issue directions in terms thereof to the respondents.

Compliance reports be filed by all the three municipalities at least three days prior to the next date of hearing failing which each municipality will have to deposit costs of ₹ 20,000/- with the Mediation Centre of this Court.

Learned Addl. Advocate General, Punjab points out that as of now there are eight municipal corporations but only three have been arrayed as respondents to the petition. The State Government would take necessary steps to issue directions to the remaining five municipal corporations for taking suitable actions in terms of the directions passed by the Court today.

List again on 10.03.2014.

A copy of the order be given dasti to all the counsels for the Municipalities as well as Addl. Advocate General, Punjab under the signatures of the Bench Secretary.

(SANJAY KISHAN KAUL)
CHIEF JUSTICE

(AUGUSTINE GEORGE MASIH)
JUDGE

16.12.2013

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