

(2018) 06 P&H CK 0001

In the Punjab And Haryana At Chandigarh

Case No : Civil Writ Petition No.14936 Of 2018 (O&M)

Braham Pal and another

APPELLANT

Vs

State of Haryana and others

RESPONDENT

Date of Decision : 01-06-2018

Acts Referred:

Constitution of India, 1950 — Article 226, 227

Citation : (2018) 06 P&H CK 0001

Hon'ble Judges : AJAY KUMAR MITTAL, CJ; TEJINDER SINGH DHINDSA, J

Bench : Division Bench

Advocate : Sanjay Vij

Final Decision : Dismissed

Judgement

The present writ petition has been filed under Articles 226/227 of the Constitution of India by way of Public Interest Litigation praying for the issuance of a writ of mandamus for directing the official respondents to take appropriate and immediate action against respondent No.4 for having raised illegal

and unauthorized construction in land measuring 15 kanals 02 marlas situated in the Revenue Estate, Village Bhondsi, Tehsil Sohna, District Gurgaon.

Learned counsel representing the petitioner would submit that land owned and possessed by respondent No.4 is situated within the controlled areas

declared by the State Government and provisions of Punjab Scheduled Road and Controlled Areas Restriction of Unregulated Development Act, 1963

and Rules framed thereunder would apply.

It is contended that massive construction has been raised in utter violation of the statutory provisions. It is further urged that respondent No.4 is

enjoying close proximity with the official respondents and as such a blind eye is being turned towards the illegal construction.

We have heard learned counsel at length and have perused the pleadings on record.

Maintainability of Public Interest Litigation Rules, 2010 (in short "2010 Rules") have been framed and which lay down the guidelines for

entertaining a public interest petition. Clause 6 of the 2010 Rules reads as under:-

"6. Ordinarily, the PIL may be entertained on any subject of vital public importance, such as:

(a) Bonded Labour matters.

(b) Neglected Children. (c) Petitions from riot victims.

(d) Petitions complaining of harassment or torture of persons belonging Scheduled Castes, Scheduled Tribes and other Backward Classes by the others or by the police.

(e) Petitions pertaining to environmental pollution, disturbance of ecological balance, forest and wild life.

(f) Petitioners complaining violation of human rights."

We are of the considered view that nature of grievance set out in the petition does not fall within the parameters of Clause 6 of the 2010 Rules and under which a PIL may ordinarily be entertained.

That apart, in the writ petition it has been averred that the petitioners have no personal motive and they are espousing the cause as regards welfare,

safety and security of all the inhabitants of the village as also to secure necessary compliance and protection of the provisions of law.

Clause 6 of the 2010 Rules obligate persons invoking PIL jurisdiction to specifically disclose their credentials. The expression "specifically disclose

his credentials" has been examined by a Division Bench of this Court in *Ajaib Singh and another Vs. State of Punjab and others* 2013 (4) PLR 367

and it was observed that the petitioner in a PIL must set forth what he does for a living and what public interest he has been espousing, the work done

by him in such behalf and the particulars of any matter preferred by him as PIL and on which the Court has passed orders.

The instant petition is completely silent on such aspect. In view of the above, we hold that the present petition is not maintainable at the behest of the

petitioners and the same is, accordingly, dismissed.