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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-13485-2023

Date of decision : 03.07.2023

Saptarshi Ray

.....Petitioner

versus

Municipal Corporation of Gurugram and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Ms. Leena Sharma, Advocate and
Mr. Deep Inder Singh Walia, Advocate
for the petitioner.

RAJESH BHARDWAJ, J.

Petitioner has filed this petition for setting aside the order dated 25.05.2023 passed in a civil suit by learned Civil Judge (Junior Division), Gurugram vide which directions have been given to respondent No.2 to remove the stray dogs from the Court premises within a period of 15 days from the date of passing of the order.

Learned counsel for the petitioner has vehemently contended that the petitioner is a dog lover and is seriously prejudiced by the passing of impugned order. It is submitted before this Court that the learned Civil Judge (Junior Division), Gurugram has passed the impugned order in contravention to the law settled and has illegally directed the respondents/defendants to remove the stray dogs within a period of 15 days. It is further submitted that the direction given by the Court being totally perverse, the impugned order deserves to be *set aside*.

Heard. After hearing counsel for the petitioner and perusing the record, it is apparent that the writ petition has been filed by the

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petitioner assailing the impugned order dated 25.05.2023 passed by learned Civil Judge (Junior Division), Gurugram in the suit filed by the plaintiffs for mandatory injunction and damages. Perusal of the same would show that as the petitioner was not a party to the civil suit, he had the remedy for impleading himself as a party to the civil suit for the redressal of his grievances.

Learned counsel for the petitioner has failed to show their *locus standi* in the absence of being a party to the said civil suit in which the impugned order has been passed. Thus, this Court does not find the present petition maintainable in the present form. This Court would refrain itself from commenting anything on the merits of the case and the rights of the petitioner for availing any other alternative remedy for the redressal of his grievances. Hence, the petition being not maintainable is hereby dismissed with liberty to the petitioner to avail any alternative remedy as available under the law.

(**RAJESH BHARDWAJ**)
JUDGE

03.07.2023
m. sharma

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