

**IN THE COURT OF CHOUDHARY MUHAMMAD YOUSAF AUJLA,
PRESIDING OFFICER/ADDITIONAL DISTRICT & SESSION JUDGE,
DISTRICT CONSUMER COURT, FAISALABAD.**

Claim No:	88/DCC-2008.
Date of Institution of Claim	27.02.2008.
Date of decision	10.05.2008.

QARI SAYYED ABDUL-WAHID Vs. CITY DISTRICT NAZIM. etc.

P R E S E N T:-

Learned counsel for the claimant. Statement of Mr. Muhammad Waseem Mushtaq Khanna, Advocate PW2 has been recorded and evidence has been closed.

1. The claim has been made by the claimant that he is resident of Chak No.109/R.B and the defendants have not established any filth depot for wastages rather throw the same near village population at the road side which cause spreading of fatal diseases and the defendants have been asked not to do so but they have refused and the claimant been claimed Rs.2,00,000/- as damages, Rs.11,000/- counsel fee and 2,000/- as expenses.

2. The claim was hotly contested by the defendants that claimant has no locus standi to file this claim and there exists a dumping ground for the last twenty years being used as filth depot away from the village population and the claim was liable to be dismissed.

3. Keeping in view, the allegations and written reply, a local commissioner was appointed who submitted his report in the court and later on, it was 27.03.2008 when the defendants filed another written reply that the complaint of the claimant has been redressed but the claimant was not found to be satisfied and the matter was fixed for evidence and on 29.04.2008 the

defendants opted to remain absent from the proceedings of the court and they were proceeded against ex-parte.

4. The claimant himself appeared as PW1 with his respective affidavit as EX-PW1/1 and examined Mr. Muhammad Waseem Mushtaq Khanna, Advocate as PW2 and furnished the documents.

5. The defendants are bound to discharge their duties honestly and bonafide and in the case in hand the report of the learned local commissioner fully exposes the arbitrary and capricious behaviour of the defendants towards the consumers of municipal services. Crime and corruption thrive and prosper in the society due to lack of public resistance. Nothing is more demanding than the feeling of helplessness. An ordinary citizen instead of complaining and fighting succumbs to the pressure of undesirable functioning in offices instead of standing against it. Therefore, the award of compensation for harassment by public Authorities not only compensates the individual, satisfies him personally but helps in curing social evil. It may result in improving the work culture and help in changing the outlook.

6. The claim of the claimant from the oral as well as documentary evidence is fully proved against the defendants having no evidence by the defendants in rebuttal. The learned local commissioner who had visited the spot, found no such filth depot at the spot but the heaps of garbage were found with bad smell on the both sides of road and the population which were put on fire by the defendants to dispose it off and the smoke arising from the said garbage was creating suffocation to the people of the locality. As per report of learned local commissioner, even the school and mosque of the village were also not spared by the defendants from the heaps of garbage. It was the claimant who being one of the residents of the village dared to file the claim in hand and the defendants i.e City District Government, Faisalabad through City District Nazim and Executive District Officer (Municipal

Services) are held fully liable for providing defective and faulty service towards the consumers i.e residents of the locality and the defendants are accordingly punished with a fine of Rs.50,000/- and the claimant is declared to entitled to get Rs.61,000/- as compensation which shall be paid by the defendants within a period of thirty days, otherwise they shall be dealt U/S. 32 of Punjab Consumer Protection Act, 2005. File be consigned.

Announced
10.05.2008

Ch. Muhammad Yousaf Aujla,
Presiding Officer/

Additional District & Session Judge,
District Consumer Court, Faisalabad.

Certified that this judgment consists of three pages, dictated, signed and corrected by me.

Ch. Muhammad Yousaf Aujla,
Presiding Officer/
Additional District & Session Judge,
District Consumer Court, Faisalabad.