

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP No.1247 of 1991 (O&M)

Date of decision:09.09.2015

Charanjit Singh Kahlon & others

... Petitioners

v.

Advisor to Administrator, UT, Chandigarh & others

... Respondents

CORAM: HON'BLE MR. JUSTICE S.J. VAZIFDAR, ACTING CHIEF JUSTICE
HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA.

Present: Mr. Dinesh Nagar, Advocate for the petitioners.

Mr. Sanjeev Sharma, Senior Advocate with
Mr. Shekhar Verma, Advocate and
Ms. Bhavna Joshi, Advocate for the respondent.

....

S.J. VAZIFDAR, ACTING CHIEF JUSTICE.

The petitioners have challenged an order dated 16.03.1984 (Annexure P-1) resuming the property and forfeiting 10% of the total amount of consideration paid, an order dated 02.02.1990 (Annexure P-2) of the Appellate Authority dismissing the appeal and an order dated 26.12.1990 (Annexure P-4) dismissing the revision.

The impugned action was initiated against the petitioners on account of the following violations of the bye laws made under the Capital of Punjab (Development and Regulation) Act, 1952 Chandigarh Amendment 1973 :

- “1. Partition has been made in the shop.
2. Varandah of front and rear elevation at F. floor and IInd floor has been glazed.
3. Additional door has been provided in the front elevation by breaking the glass panes of show window.
4. Snowcem has been done on the front and rear elevation.”

These are all compoundable offences. The offending work has been removed/rectified. The petitioners are, however, bound and liable to pay the compensation fee. Petitioners claim to have paid the same. In the event of their not having paid the fee, the respondents shall inform them of the same in writing and upon which the same shall be paid within a period of four weeks of the receipt of the intimation.

In the written statement, the respondents stated that there were certain other offences/violations of the bye laws. These are set up in inspection reports at Annexures A-1 and A-2 to the written statement and Annexure A-3 to the additional affidavit filed on behalf of the S.D.O., Estate Officer, dated 13.10.2014. The offences are both compoundable and non-compoundable. The petitioners claim to have removed all the offending alterations/constructions. It is agreed by the petitioners that even these violations have been removed/rectified. They further agree and undertake to remove the same. The respondents shall be at liberty to inspect the premises. In the event of there being any further violation, the respondents shall inform the petitioners of the same. The petitioners agree and undertake to have the same regularized/removed as the case may be upon payment of any amounts that may be due within a period of 12 weeks of being informed of the same by the respondents in writing. It is also so ordered. Upon these directions being fulfilled, the resumption order shall be deemed to have been quashed and set aside.

The respondents shall consider the petitioners' application for revised building plans only after being satisfied that all building violations have been removed or otherwise taken care of.

Disposed of.

(S.J. VAZIFDAR)
ACTING CHIEF JUSTICE

(TEJINDER SINGH DHINDSA)
JUDGE

09.09.2015

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