

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CWP No. 8505 of 1997 (O&M)

Date of Decision: 08.09.2015

Rajinder Kumar Gupta

--Petitioner

Versus

Chandigarh Housing Board & another

--Respondents

**CORAM:- HON'BLE MR.JUSTICE S.J. VAZIFDAR.
HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.**

Present:- Mr. Chetan Mittal, Sr. Advocate with
Mr. Kunal Mulwani, Advocate for the petitioner.

None for respondents.

S.J. VAZIFDAR, A.C.J. (Oral)

The petitioner has challenged the order dated 20.5.1997 by which he has been ordered by the respondents to hand over possession of the Dwelling Unit in question within 15 days. The proceedings against the petitioner commenced with a notice under Section 15 of the Capital of Punjab (Development and Regulation) Act, 1952. The notice alleged that the petitioner had carried out construction in contravention of Rule 5 of the Punjab Capital (Development & Regulation) Building Rules, 1952. The alleged violations are as under:-

“(1) Encroached Govt. land with steel wire fixed on steel pickets, brick pillars for gate, PCC path on the side of dwelling unit.

(2) Covered balcony of living/dining room with steel grill and steel door.

(3) Covered balcony of bed rooms with glazed window & door and provided R.C.C Chaja over balcony.”

Learned senior counsel appearing for the petitioner states that

the first violation has been removed. The encroachment has ceased.

Statement is accepted. He claims that the other two violations are either allowable or compoundable. In this regard he relies upon a notification dated 7.7.2015 issued by the Chandigarh Housing Board.

We do not express any views on the merits in respect of this contention as to whether it is allowable or compoundable. We intend granting the petitioner time to make an application as per the said notification.

The petition is, therefore, disposed of by permitting the petitioner to make an application for allowing or compounding the alleged violations in accordance with law. If, the application is made within four weeks from today the respondents and the petitioner shall maintain status quo of the structure in all respects till the application is decided and for a period of eight weeks thereafter. Further in the event the order being adverse to the petitioner, it shall be open for him to challenge the same in the fresh proceedings. Needless to add that in the event of the authorities coming to the conclusion that the violations are allowable or compoundable, the petitioner shall be permitted to compound the same.

(S.J. Vazifdar)
Acting Chief Justice

(Tejinder Singh Dhindsa)
Judge

08.09.2015
lucky