

**THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CWP No. 13028 of 2011 (O&M)
Date of decision: January 13, 2015

Smt. Yashoda Devi

...Petitioner

Versus

Municipal Committee, Kalka and another

...Respondents

CORAM:- HON'BLE MR. JUSTICE K. KANNAN

1. **Whether Reporters of local papers may be allowed to see the judgment ?**
2. **To be referred to the Reporters or not ?**
3. **Whether the judgment should be reported in the Digest?**

Present: Mr. IK Mehta, Senior Advocate with
Ms. Ranjit Mehta, Advocate,
for the petitioner.

None for the respondents.

K. KANNAN, J. (Oral)

1. There is no representation for the respondents. The counsel appearing for the petitioner states that the Municipal Committee has occupied the premises without any authority. The petitioner produces a copy of the plan that was approved by the Municipal Committee where the petitioners' ownership to the property over which the building was sought to be constructed was filed before the Municipal Committee and approved by it itself. The attempt of the learned Senior Counsel was to say that having acknowledged the petitioner as owner and approved the construction of the building, the Municipal Committee cannot enter upon the building without any justification.

2. There is no response from the respondents to address the court

on how the petitioner could be dispossessed by the respondents. Although the prayer in the petition is not happily worded to secure possession, from the tenor of the writ petition, I gather that is the relief the petitioner is asking and that is what the Senior Counsel affirms as the relief claimed by the petitioner. The writ petition is ordered and the property taken possession of by the 1st respondent, which is the building for which sanction was given under Annexure P/15, is ordered to be returned to the petitioner within four weeks from the date of receipt of a copy of this order.

3. The writ petition is allowed with costs of Rs. 10,000/- against the Municipal Committee.

January 13, 2015
prem

(K.KANNAN)
JUDGE