

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

Sr. No.201

**CWP-22319-2011 (O&M)**

**Decided on : 09.12.2015**

**M/s Associated Printers, Chandigarh  
and others**

**.... Petitioners**

**VERSUS**

**Chandigarh Administration,  
Chandigarh and others**

**..... Respondents**

**CORAM:   HON'BLE MR. JUSTICE RAJIVE BHALLA  
HON'BLE MS. JUSTICE REKHA MITTAL**

**Present:   Mr.Vikas Bahl, Senior Advocate, with  
Mr.Vikas Jain, Advocate, for the petitioners.**

**Ms.Deepali Puri, Advocate,  
Standing Counsel for UT, Chandigarh.**

**Mr.K.S.Dadwal, Advocate, for respondent No.9.**

**Ms.Sudeepti Sharma, Advocate, GPA for respondent No.10.**

\*\*\*\*\*

**RAJIVE BHALLA, J. (ORAL)**

The petitioners, who are occupiers of Plot No.226, Industrial Area, Phase-I, Chandigarh, challenge the correctness of order dated 18.02.2010 (Annexure P-27), passed by the Assistant Estate Officer, Chandigarh, exercising the powers of Chief Administrator, conferred by Section 15 of the Capital of Punjab (Development and Regulation) Act, 1972 (hereinafter referred to as the 'Act') read with Rule 10(iii) of the Chandigarh Estate Rules, 2007 as amended in the year 2009 (hereinafter referred to as the 'Rules').

Counsel for the parties agree that as the Assistant Estate

Officer, Chandigarh has not served a notice under Rule 10(i) of the Rules, he had no jurisdiction to exercise power under Rule 10(iii) of the Rules and order ceiling of a part of the premises, in dispute. Counsel for the parties also agree that in view of the latest and final undated report submitted by the Plan Approval Committee (Lower), regarding violations etc., based on inspection dated 09.11.2015, the impugned order may be set aside and the Estate Officer/Assistant Estate Officer, Chandigarh, may be directed to proceed with the matter afresh.

We have heard counsel for the parties and taking into consideration the consensus between the counsel and their parties, dispose of the writ petition in the following terms: -

1. Order dated 18.02.2010, passed by the Assistant Estate Officer, Chandigarh, is set aside.
2. The matter shall be placed before the Estate Officer/Assistant Estate Officer, Chandigarh, exercising power with respect to premises, in dispute, who shall within a week of receipt of a certified copy of this order, examine the violations pointed out by the Plan Approval Committee (Lower) and if deemed appropriate, issue a notice under Section 15 of the Act and under Rule 10 of the Rules to the allottees/lessees/occupiers, who shall file their response within ten days of receipt of the notice, if any. The Estate Officer/Assistant Estate Officer, Chandigarh, shall determine/decide the controversy, within fifteen days of receipt of the reply, if any, after

affording an opportunity of hearing to all parties concerned and taking into consideration all relevant statutory provisions, legal rights and arguments etc.

3. The entire matter be concluded within two months of the issuance of the notice.

**[ RAJIVE BHALLA ]**  
**JUDGE**

09.12.2015  
shamsher

**[ REKHA MITTAL ]**  
**JUDGE**