

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 15602 of 2015

Date of Decision: 31.7.2015

Dr. Dinesh Kumar Sharma

....Petitioner.

Versus

Municipal Corporation, Ludhiana

...Respondent.

**CORAM:- HON'BLE MR. JUSTICE AJAY KUMAR MITTAL.
HON'BLE MRS. JUSTICE REKHA MITTAL.**

PRESENT: Mr. Vishal Sharma, Advocate for the petitioner.

AJAY KUMAR MITTAL, J.

1. In this writ petition filed under Articles 226/227 of the Constitution of India, the petitioner has prayed for issuance of a writ in the nature of certiorari for setting aside the notice/order dated 1.7.2015 (Annexure P-1) issued to him.

2. The petitioner purchased a plot measuring 150 square yards vide registered sale deed dated 23.2.2004 (Annexure P-3) for a sale consideration of ₹ 1,65,000/- from one Vikas Juneja who purchased the property vide registered sale deed dated 2.12.1993 (Annexure P-4) from one Padam Chand Sharma for a consideration of ₹ 18,000/-. Said Padam Chand Sharma purchased the property in question from the Municipal Corporation, Ludhiana vide sale deed dated 10.6.1991 (Annexure P-5). After purchasing the property in question, the petitioner applied for the sanction of site plan which was sanctioned on 12.3.2004 (Annexure P-6). The petitioner deposited all the dues vide receipts

(Annexure P-7 Colly). He is also depositing property tax with the Municipal Corporation vide receipts dated 15.3.2015 (Annexure P-8 Colly). The petitioner was issued a notice dated 1.7.2015 (Annexure P-1) for removal of encroachment as per CWP No. 4886 of 2003. The petitioner approached the concerned authorities on 5.7.2015 along with all documents showing that there is no illegal encroachment. Thereafter, he made a representation dated 5.7.2015 (Annexure P-9) to the Commissioner, Municipal Corporation, Ludhiana for withdrawal of the notice dated 1.7.2015 (Annexure P-1), but no response has been received till date. Hence, the present writ petition.

3. Learned counsel for the petitioner submitted that for the relief claimed in the writ petition, the petitioner has moved representation dated 5.7.2015 (Annexure P-9) to the Commissioner, Municipal Corporation, Ludhiana, but no action has so far been taken thereon.

4. After hearing learned counsel for the petitioner, perusing the present petition and without expressing any opinion on the merits of the case, we dispose of the present petition by directing the respondent or any other competent authority to take a decision on the representation dated 5.7.2015 (Annexure P-9), in accordance with law by passing a speaking order and after affording an opportunity of hearing to the petitioner within a period of two months from the date of receipt of certified copy of the order. Till the matter is decided by the authorities, status quo shall be maintained by the parties.

(AJAY KUMAR MITTAL)
JUDGE

July 31, 2015
gbs

(REKHA MITTAL)
JUDGE