

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

CWP No. 19353 of 2013

DATE OF DECISION : 29.04.2015

Navdeep Ohri and others

.... PETITIONERS

Versus

The State of Punjab and others

.... RESPONDENTS

CORAM :- HON'BLE MR. JUSTICE SATISH KUMAR MITTAL

HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

Present : Mr. S.S. Hira, Advocate,
for the petitioners.

Mr. Gaurav Garg Dhuriwala, DAG, Punjab.

Mr. K.S. Dadwal, Advocate,
for respondent No.3.

Mr. Animesh Sharma, Advocate,
for respondents No.6 and 7.

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SATISH KUMAR MITTAL, J. (Oral)

The petitioners, who are residents of village Sukhiabad, Tehsil and District Hoshiarpur, which falls within the area of Municipal Corporation, Hoshiarpur, have filed the instant petition seeking quashing of the sanction of the building map for construction of a commercial building vide permit permit dated 24.10.2011 on the plot in question.

It is the case of the petitioners that vide an order passed under the Punjab Municipal Act, 1911, the official respondents have permitted respondents No.6 and 7 to raise construction of commercial building in the high density population residential area, which is contrary to the Punjab

Municipal Corporation Act, 1994 as well as the Punjab Regional and Town Planning Development Act, 1995 and the Rules framed thereunder.

Undisputedly, against the aforesaid order, an appeal under Section 225 of the Punjab Municipal Act, 1911, could have been filed at that time, but before approaching this court, no such appeal was filed by the petitioners. In view of this fact and availability of alternative remedy of appeal to the petitioners, we are not inclined to entertain this petition for quashing of the impugned sanction.

Consequently, the instant petition is dismissed, with liberty to the petitioners to file an appeal against the order granting the impugned sanction of the building map, either under the Punjab Municipal Act, 1911 or under the Punjab Municipal Corporation Act, 1994, in accordance with law. It will be open for the petitioners to move an application before the appellate authority, seeking stay of construction of the building by respondents No.6 and 7. Learned counsel for respondent No.3 undertakes to supply copy of the order granting the impugned sanction to the petitioners enabling them to file appeal against the said order. Learned counsel for respondents No.6 and 7 undertakes that for a period of one month from today, no construction will be raised in pursuance of the impugned sanction of the building map.

(SATISH KUMAR MITTAL)
JUDGE

April 29, 2015
ndj

(HARINDER SINGH SIDHU)
JUDGE