

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

CWP No.21411of 2013

Date of decision:26.3.2015

R.K. Gupta

....Petitioner

VERSUS

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE HEMANT GUPTA

HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. A.S. Talwar, Advocate for the petitioner.

Mr. Vinod S. Bhardwaj, Additional Advocate General,
Punjab for respondent No.1.

Mr. Naresh Prabhakar, Advocate for respondent Nos.2
and 3.

HEMANT GUPTA, J.(Oral)

The challenge in the present writ petition is to an order dated 30.10.2003 passed by the Estate Officer, Punjab Urban Development Authority, Mohali, resuming the flat in view of the unauthorized construction; an order dated 30.06.2005 passed by Additional Chief Administrator affirming the order passed by the Estate Officer and the order dated 02.07.2013 passed by the Secretary, Government of Punjab, Housing and Urban Development, affirming the order of the Estate Officer as well as the Additional Chief Administrator.

Flat No.HIG 217, Sector 48-C, Mohali was originally allotted to Ajmer Dass in the year 1998 but subsequently transferred to the petitioner on 08.01.2002. The petitioner was served with a notice pointing out unauthorized constructions carried in the said flat.

After considering the reply filed, the orders as mentioned above were passed.

On 01.09.2014, learned counsel for the petitioner filed an affidavit undertaking to remove all non-compoundable violations existing on the petitioner's residential premises. The respondents were directed to submit its survey report as well. Today, learned counsel for the petitioner has filed an affidavit that all non-compoundable violations from the residential flat have been removed.

Mr. Parbhakar also filed a report, the photocopy of which has been kept on record, that in fact all the non-compoundable violations have been removed.

Since, the violations, the cause of proceedings of resumption, stands removed, therefore, we find that the interest of justice would be met if the resumption orders are set aside but subject to the condition that in case the petitioner raises any unauthorized construction, it shall be open to the respondents to move an application before this Court for revival of the resumption order.

With the said direction and liberty, the writ petition stands disposed of.

(HEMANT GUPTA)
JUDGE

MARCH 26, 2015
'D. Gulati'

(LISA GILL)
JUDGE