

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

CWP-24945-2012 (O&M)
Date of decision : 12.03.2015

Ravinder Kaur

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. M.K. Sajjan, Advocate for the petitioner.

Ms. Harsimrat Rai, DAG, Punjab.

Mr. H.K. Aurora, Advocate for respondent Nos.3 and 4.

JITENDRA CHAUHAN, J. (Oral)

Prayer in the present petition filed under Articles 226 and 227 of the Constitution of India, is for quashing of order dated 12.11.2012 (Annexure P-17), whereby the map/site plan of the building of the petitioner has been rejected.

The learned counsel for the petitioner submits that there is no dispute with regard to the ownership of the land in question as she had purchased the same vide registered sale deed. Unnecessary delay has been caused in sanctioning the site plan. He further submits that the suit filed against the petitioner (Annexure P-18), is for permanent injunction qua khasra No.718, wherein, the petitioner has taken a specific stands that she has no concern, whatsoever, with khasra

No.718.

On the other hand, the learned counsel for the respondents submits that there order impugned is appealable under Section 225 of the Punjab Municipal Act (for short, 'the Act'). There is no clear title of the land in question and the demarcation is yet to be done.

Heard.

The impugned order, Annexure P-17, was passed under Section 193(2) of the Punjab Municipal Act, which reads as under:-

193(2) *The committee (or Executive Officer, as the case may be) may refuse, to sanction the erection or re-erection of any building for any other reason, to be communicated in writing to the applicant, which it (or he as the case may be) deems to be just and sufficient as affecting such building, be if the land, on which it is proposed to erect or re-erect such building [is vested in the Government or in the committee], and the [consent of the Government] concerned or, as the case may be, of the committee has not been obtained, or if the title to the land is in dispute between such person and the committee [or any Government].*

The impugned order is clearly appealable under Section

225 of the Act. In the circumstances, The petitioner is at liberty to move appropriate petition for redressal of his grievance. The learned counsel for the petitioner has not been able to establish on record that he has a clear title on the property whereupon the building is proposed to be raised. In this regard, a civil suit is already pending. The learned counsel for the Municipal Council has brought to the notice of this Court that the area claimed by the petitioner is not in contiguity. It is scattered in various khasra numbers, the ownership of which is not clear from the record.

In the circumstances, no relief can be allowed to the petitioner. However, he is at liberty to file an appeal, if so advised, or agitate the matter before the competent authority under law. In case, the petitioner prefers an appeal within 30 days from today, the question of limitation be not taken up against him, considering the fact that he had preferred the present petition.

Disposed of.

12.03.2015
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(JITENDRA CHAUHAN)
JUDGE