

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

Civil Writ Petition No.19004 of 2015
Date of Decision: September 09, 2015

Jaswant Singh Matharoo and others

.....Petitioners

versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT.
HON'BLE MR.JUSTICE P.B.BAJANTHRI.

Present: Mr.M.S.Bedi, Advocate, for the petitioners.

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1. Whether Reporters of Local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

Surya Kant, J. (Oral)

The petitioners are residents of Housefed Complex, Phase-X, SAS Nagar Mohali. They are said to have been allotted dwelling units on the first floor. They allege that several occupants of the ground-floor units have made unauthorized and illegal constructions without getting the building-plan sanctioned from the Competent Authority. It is also their case that besides several complaints and representations made by them they also served the respondents with a legal notice dated 06.08.2013 (P-5). However, finding no consequential action, the instant writ petition has been filed. Reliance is made on the observations/directions issued by this Court in exercise of PIL jurisdiction in CWP No.4886 of 2003 (Court on its own motion versus State of Punjab and another, decided on 04.10.2008.

It may be mentioned that the petitioners have not impleaded the allottees/occupants of the flats who have allegedly made encroachments or illegal constructions. Since no order prejudicial to the interest of a person can be passed without hearing him, we clarify that these directions shall not be construed as an expression of our views on merits.

There is no gain saying that the local-authorities including respondent Nos.2 & 3 are expected to take timely action to ensure that a well-planned township is not marred by illegal or unauthorized constructions which have no sanctity in law.

The writ petition is thus disposed of with a direction to respondent Nos.2 & 3 to deploy their enforcement team to ascertain the correctness of allegations made by the petitioners in their legal notice (P-5), referred to above. The follow-up action shall depend upon such enquiry. It is further made clear that no punitive action shall be taken against any person without issuing an appropriate show cause notice to him. Needful shall be done within a period of three months from the date of receiving a certified copy of this order.

Ordered accordingly.

Dasti.

[SURYA KANT]
JUDGE

September 09, 2015
mohinder

[P.B.BAJANTHRI]
JUDGE