

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CWP No. 23156 of 2014 (O&M)

Date of Decision: 17.08.2015

Subhash Chander Gupta & another

--Petitioners

Versus

State of Haryana & another

--Respondents

**CORAM:- HON'BLE MR.JUSTICE S.J. VAZIFDAR.
HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.**

Present:- Mr. Akshay Bhan, Sr. Advocate with
Mr. Amandeep Singh, Advocate for the petitioners.

Mr. Arjun Singh Yadav, A.A.G., Haryana.

Mr. Vishal Garg, Advocate for HUDA.

Mr. D.V. Sharma, Sr. Advocate with
Mr. Harit Sharma, Advocate.

S.J. VAZIFDAR, A.C.J. (Oral)

C.M. No.6256 of 2015

The applicant is requested to take out separate proceedings for the reliefs claimed therein as the reliefs claimed in this application are not connected to the reliefs claimed by the petitioners. There may be issues in that application which would not be germane to the issues in the petition.

Application is disposed of.

CWP No.23156 of 2014

The petitioners have challenged the order of resumption of the property which is the subject matter of this petition. The impugned order was passed on account of illegal construction on the property and on account of the petitioners having clubbed two S.C.Fs (shop-cum-flats). The same is permissible only in the event of the sanction for the same being granted by the respondents. There is no dispute that the property belongs to

the petitioners. By an interim order dated 23.7.2015 in this petition the Division Bench enumerated the violations that remained to be removed.

The remaining violations would not really justify the drastic order of resumption unless, of course, there was a persistent defiance on the part of the allottee. From the facts and circumstances of this case, it appears that the violations have been removed, although, in a staggered manner.

Learned counsel appearing for the petitioners submits that as on date all the non-compoundable violations have been removed.

There remains only one question i.e. clubbing of two S.C.Fs. Admittedly, an application for the same is pending with the respondents. We are informed that there is a policy for compounding the same. In view thereof, this aspect of the matter can be taken care of by directing the respondents to decide that application on or before 31.10.2015.

The petitioners undertaking not to carry out any other construction without the written permission of the respondents, is accepted and it is so ordered. Needless to clarify that any construction or alteration henceforth, which requires the permission of the respondents, shall not be carved out without the express written permission of the respondents. Failure to do so may result not only in the respondents being entitled to resume the property but also to adopt proceedings for the violation of the orders of this court.

Subject to the above, the resumption orders are set aside and the writ petition is disposed of.

(S.J. Vazifdar)
Acting Chief Justice

(Tejinder Singh Dhindsa)
Judge

17.08.2015
lucky