

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

Civil Writ Petition No.24551 of 2015

Date of Decision: November 26, 2015

Silver City (Main) Residents Welfare Association (Regd.)

....Petitioner

versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT.
HON'BLE MR.JUSTICE HARI PAL VERMA.

Present: Mr.P.S.Khurana, Advocate, for the petitioner.

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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 petitioner is a registered Residents-Welfare Association of Silver City set-up at Zirakpur by the private-developers, namely, respondent Nos.5 & 6. There is an old dispute in relation to construction of a Community Centre by the builder as per its alleged promise made in the original layout plan. The State Government in exercise of its revisional powers under the Punjab Apartment and Property Regulation Act, 1995, passed an order dated 12.01.2011 (P-8) in favour of the allottees/Residents-Welfare Association and directed the builder-cum-developer to use the Community Centre site only for the residents of the colony and not for commercial purposes in the name of 'Richmond Garden'. The aggrieved builder approached this Court in CWP No.1752 of 2011. The Residents-Welfare Association also filed a counter-writ petition. It appears that one of the issues that arose for consideration in the above-stated case was the ear-marking of

2500 square yard land by the builder for construction of Community Centre. After noticing that fact, this Court vide order dated 08.09.2014 'admitted' the said writ petition and directed that "in the meantime, the revised building plans submitted by the builder shall be finalized/approved in accordance with law".

In purported compliance of the above-stated order, the Deputy Director, Local Government, Punjab, is said to have approved the revised lay-out plan submitted by the builder (instead of revised plan of the Community Centre).

The aggrieved respondent-Residents Welfare Association has filed this writ petition.

In our considered view, the above-stated order/decision of the Deputy Director is revisable at the instance of the State Government, for which there are ample powers vested in the State under the Act. We thus dispose of this writ petition without expressing any views on merits at this stage, with a direction to respondent No.2-Secretary to the Government of Punjab, Department of Housing and Urban Development-cum-Revisional Authority under the Punjab Apartment and Property Regulation Act, 1995, to call for the records, hear both the parties and take an appropriate decision in accordance with law/Rules/Bye-laws, as early as possible but not later than four months from the date of receiving a certified copy of this order.

Ordered accordingly. Dasti.

[SURYA KANT]
JUDGE

November 26, 2015
mohinder

[HARI PAL VERMA]
JUDGE