

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.25923 of 2015

Date of Decision:-11.12.2015.

Shashi Bhushan Sharma

.....Petitioner

Versus

State of Punjab and others

.....Respondents

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

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?

Present: Mr. Mohit Jaggi, Advocate for the petitioner.

SURYA KANT, J. (ORAL)

1.) This is the third or may be fourth round of litigation initiated by the petitioner against respondent No.7-a builder-cum-developer. The petitioner resides in one of the apartment in a multi-storeyed residential colony developed by respondent No.7. In the instant petition, he alleges that though the Competent Authority has accorded permission to construct only three shops, the respondent-builder has raised illegal and unauthorized construction of eight shops and in this manner, green belt area of the licensed colony has been misutilized. It is averred that on the basis of repeated complaints made by the residents of the locality, the matter was inquired into by the Authority and Municipal Council, Zirakpur and vide memo dated 9.2.2015 (P-13), the respondent-builder was

directed to demolish the excess construction within seven days as the same was not compoundable. A compliance report was directed to be submitted. More than eight months have passed but the respondent-builder has allegedly not complied with those directions. The petitioner has sent reminders to the Authorities but no further action is being taken.

2.) Having heard learned counsel for the petitioner and considering the nature of relief sought in the instant writ petition which is based upon some official communications, however, without expressing any view on the merits of the allegations, we dispose of this writ petition with a direction to the (i) Deputy Commissioner, SAS Nagar, Mohali, (ii) Deputy Director, Local Government, Patiala and (iii) Executive Officer, Municipal Council, Zirakpur to ascertain the correctness of petitioner's allegations and take an appropriate action keeping in view the sanction order dated 4.6.2013 (P-6) and the subsequent directions contained in memo dated 9.2.2015 (P-13) in accordance with law, and after observing the principles of natural justice, within a period of three months from the date of receipt of certified copy of this order.

(SURYA KANT)
JUDGE

(P.B. BAJANTHRI)
JUDGE

December 11, 2015.

sandeep sethi