

CWP No. 3567 of 2014

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No. 3567 of 2014
Date of Decision : 07.12.2015

Municipal Committee, Loharu and another

...Petitioners

Versus

Permanent Lok Adalat and others

...Respondents

CORAM: HON'BLE MR. JUSTICE PARAMJEET SINGH

- 1) *Whether Reporters of the 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. Bikram Chaudhary, Advocate for the petitioners.

Mr. Sandeep S. Mann, Sr. D.A.G., Haryana.

Mr. Sudhanshu Makkar, Advocate
for respondent No. 2.

Paramjeet Singh, J.(Oral)

The instant writ petition has been filed under Articles 226/227 of the Constitution of India for issuance of a writ of certiorari thereby quashing the impugned award dated 20.01.2014 (Annexure P-12) passed by respondent No. 1 under the provisions of the Legal Services Authority Act, 1987.

Brief facts of the case are that respondent No. 2

applied to the petitioner for sanction of building plan on the ground that he is owner in possession of Khasra No. 726 to the extent of $\frac{1}{2}$ share. The declaration to the effect has been given in a civil suit by the Additional Civil Judge (Senior Division), Loharu vide judgment and decree dated 21.02.2005 (Annexure R-2/1). Since the building plan was not sanctioned by the petitioner, respondent No. 2 approached the permanent Lok Adalat.

The case of the petitioner before the permanent Lok Adalat was to the effect that since the identity of land has not been established and respondent No. 2 is not in possession of the property in question and the demarcation of the same has not been carried out at the spot, so building plan cannot be sanctioned as prayed by respondent No. 2. The application of respondent No. 2 has been allowed vide impugned Award dated 20.01.2014 (Annexure P-12) by respondent No. 1. Hence, this writ petition.

I have heard learned counsel for the parties and perused the record.

Admittedly respondent No. 2 has been held to be owner to the extent of $\frac{1}{2}$ share in Khasra No. 726 by a Civil Court decree dated 21.02.2005 and the possession has also been delivered in view of letter No. 835, dated 04.02.2015. The petitioner is bound to sanction the building plan as

submitted by respondent No. 2 subject to demarcation of the property at the spot. It is stated by learned counsel for respondent No. 2 that he has become owner of the entire property.

Be that as it may, admittedly at least to the extent of $\frac{1}{2}$ share, respondent No. 2 has been declared as owner of the property. To establish the identity of the property, respondent No. 2 will be at liberty to approach the revenue authorities for demarcation of Khasra No. 726. After the demarcation is carried out at the spot, respondent No. 2 will make available the relevant documents to the Municipal Committee. After considering the documents, the Municipal Committee shall pass the appropriate order in respect of the building plan. Needful shall be done within one month from the date of receipt of document which respondent No. 2 will submit.

Writ petition is disposed of in above terms.

December 07, 2015.
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(PARAMJEET SINGH)
JUDGE