

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

Civil Writ Petition No.5220 of 2015

Date of Decision: November 27, 2015

Parveen Lata and others

....Petitioners

versus

State of Punjab and others

.....Respondents

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

Present: Mr.Saurabh Garg, Advocate, for the petitioners.
Mr.Rajesh Bhardwaj, Additional AG, Punjab.
Mr.S.K.Arora, Advocate, for respondent No.3.
Mr.Raghujeet Singh Madan, Advocate,
for respondent No.5.
Mr.Shekhar Kumar, Advocate, for respondent No.4.
Mr.Naresh Kaushal, Advocate, for respondent No.6.

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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 controversy in the instant case pertains to alleged illegal and unauthorized construction raised by respondent No.6 along-side the 'Scheduled Road' in Roopnagar. The petitioners have sought a direction to the official respondents to apprise this Court in respect of the action taken by them on the petitioners' representation dated 29.08.2014 (P-5) and legal notice dated 04.12.2014 (P-7). It is further claimed that the respondent-authorities are obligated

to act against the illegal construction in view of the spirit and mandate of the Statutes like the Punjab Regional and Town Planning and Development Act, 1995 and the Punjab Municipal Act, 1911.

[2] The case of private-respondent No.6, on the other hand, is that there is a civil dispute going on between the parties for the partition of subject-property and it is pending before the Civil Court. The instant writ petition is alleged to have been filed out of personal vendetta. It is further claimed that the 6th respondent has merely renovated two existing shops and has raised no illegal construction.

[3] Having heard learned counsel for the parties, it appears that the genesis of the writ proceedings lies in the civil dispute between the parties which is pending before Civil Court. It is thus neither expedient nor desirable for this Court to express any views on merits lest it prejudice either of the parties. Suffice it would be to safe-guard the interest of both the parties with a direction that renovation, if any, carried out by respondent No.6 shall be without prejudice to the outcome of partition proceedings. If the property, which has been renovated falls to the share of petitioners in the partition proceedings, respondent No.6 shall have no preferential or equitable claim on such property merely on the basis of renovation now carried out. Albeit, there is nothing illegal if 6th respondent has made renovations to keep the property in her possession to be more habitable or comfortable.

[4] Further, if there is any violation of injunction order passed by the Civil Court, the remedy of the petitioners would lie somewhere else.

[5] With these directions/observations, the writ

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[3]

petition is disposed of.

[SURYA KANT]
JUDGE

November 27, 2015
mohinder

[HARI PAL VERMA]
JUDGE