

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CWP No.9358 of 2015

Date of Decision:-13.05.2015

Bhanwar Lal Jain

.....Petitioner.

Versus

Union Territory, Chandigarh & Ors.

.....Respondents.

CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH

Present:- Mr. Arun Takhi, Advocate for the Petitioner.

JASWANT SINGH, J. (ORAL)

The petitioner has constructed a building on Plot No.1802 comprised in Khasra No.135/2/1/4 & Khasra No.135/2/2/4 situated in Mohalla Deep Complex, village Hallomajra, U.T., Chandigarh as per sanctioned building plans vide order dated 12.08.2008 (P-5). In terms of the conditions of Sanction letter dated 12.08.2008 (P-5), DPC Certificate dated 28.08.2009 (P-7) was also issued by the Municipal Corporation, Chandigarh during the construction at the stage of Plinth level.

The grievance of the petitioner is that after having constructed the entire building and paid all the charges, completion and occupation certificates and the subsequent certificates are not being issued by the Municipal Corporation, Chandigarh on the ground that w.e.f. 25.5.2009, the jurisdiction is now vested with the competent authority under the Punjab

New Capital (Periphery) Control Act, 1952.

The stand of the Municipal Corporation, Chandigarh (as reflected from pleadings) is that pursuant to the notification dated 25.05.2009 (P-6) excluding the area beyond the Abadi area of Hallo Majra from operation of the Capital of Punjab (Development and Regulation) Act, 1952 and thereby rendering such areas to be governed by the Punjab New Capital (Periphery) Control Act, 1952, it would have no jurisdiction to entertain the application for grant of completion and occupation certificate.

After hearing learned Counsel for the petitioner at length, this Court, is not inclined to interfere at this stage since the petitioner has not approached the competent authorities for redressal of his grievance under the Punjab New Capital (Periphery) Control Act, 1952.

Therefore, the present writ petition is dismissed as not maintainable. The petitioners are free to seek their remedy in accordance with law. It is hoped that the Authorities under the Periphery Act, keeping in view the situation of the petitioner, would take necessary action without undue delay.

(JASWANT SINGH)
JUDGE

May 13, 2015
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