

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

CWP No.9449 of 2015

Date of Decision:-13.05.2015

Atul 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.1801 comprised in Khasra No.135/2/1/3 & Khasra No.135/2/2/3 situated in village Hallomajra, U.T., Chandigarh as per sanctioned building plans vide order dated 22.09.2008 (P-6). In terms of the conditions of Sanction letter dated 22.09.2008 (P-6), petitioner submitted an application dated 30.04.2009 with the office of Municipal Corporation, Chandigarh for issuance of DPC Certificate.

The grievance of the petitioner is that after having constructed the entire building and paid all the charges, DPC certificate, 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-7) 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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