

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

**LPA No.1403 of 2015 (O&M)
Date of Decision: 16.10.2015**

Council of Architecture

....Appellant

Vs.

Harpreet Singh and others

....Respondents

**CORAM: HON'BLE MR. JUSTICE S.S. SARON
HON'BLE MR. JUSTICE AMOL RATTAN SINGH.**

Present:Mr. Naveen R. Nath, Advocate and
Mr. Nitin Thatai, Advocate
for the applicant-appellant.

Mr. Anil Malhotra, Advocate
for respondents No.1 to 3.

S.S. Saron, J

Civil Misc. No.3233-LPA-2015

The civil miscellaneous application has been filed seeking pre-ponement of the hearing of the appeal which is listed for 27.11.2015.

Notice of the civil miscellaneous application to Mr. Anil Malhotra, Advocate for non-applicants-respondents No.1 to 3. Mr. Malhotra, Advocate accepts notice. He has no serious objection to the pre-ponement of the case.

Accordingly, the civil miscellaneous application is allowed and the case is preponed for today.

LPA No.1403 of 2015

Letters patent appeal has been filed by the Council of Architecture-appellant against the interim order dated 12.08.2015, passed by the learned Single Judge in CWP No.9382 of 2015. In terms of the said order, the appellant-Council is to provisionally

register the non-applicants/respondents No.1 to 3 as Architects in accordance with law. The non-applicants/respondents No.1 to 3 were to apply for their registration and the needful was to be done by the appellant-Council within a period of two months from the date of receipt of their applications. The non-applicants/respondents No.1 to 3 have applied for registration and the period of two months is expiring on 23.10.2015. The main case is listed for hearing before the learned Single Judge on 18.11.2015.

According to the learned counsel for the appellant-Council, the matter is liable to be heard and disposed of on the basis of provisions of the Architects Act, 1972. He has referred to various provisions, particularly Sections 21 and 45 of the said Act; besides, a reference has been made to the provisions of the Minimum Standards of Architectural Education Regulations, 1983, framed in exercise of powers conferred by Clauses (e), (g), (h) and (j) of Sub-Section (2) of Section 45 read with Section 21 of the Architects Act, 1972.

Learned counsel for the non-applicants/respondents No.1 to 3 has, however, contended that these aspects have been considered threadbare by a Division Bench of the Hon'ble Calcutta High Court in the case of **Council of Architecture and others v. Mala Mukherjee and others**, MAT No.15 of 2015 and CAN No.644 of 2015, decided on 05.10.2015; besides, there is a decision of a learned Single Judge of this Court in the case of **Lala Khushi Ram Gupta Charitable Society, Karnal v. Union of India and others** CWP No.14688 of 2013, decided on 05.09.2014. Therefore, according to him the matter in issue is not *res integra*.

According to the learned counsel for the appellant-Council, an appeal against the said judgment is listed for hearing before this Court on 27.11.2015.

Be that as it may, since the matter in issue is pending adjudication before the learned Single Judge on 18.11.2015, it would be quite inappropriate for us to go into the issue at this stage and it would be more appropriate that the matter is considered by the learned Single Judge before whom the case is already listed.

Mr. Anil Malhotra, learned counsel for the non-applicants/respondents No.1 to 3 has graciously assured that the non-applicants/respondents No.1 to 3 would not take any coercive steps to enforce the interim order under appeal till 18.11.2015. He, however, submits that the learned Single Judge may prepone the date of hearing and dispose of the matter finally.

Learned counsel for the appellant-Council has no serious objection to the same.

During the course of hearing, it was suggested to the parties as to whether the impasse can be resolved on their own without the aid of the Court.

Learned counsel for the appellant is willing for such resolution to the dispute. The case was passed over and he has taken instructions from the appellant-Council that a meeting of the Executive Council of the Council would be convened on 02.11.2015 to consider the matter.

On the asking of the Court, Mr. Sanjeev Sharma, Senior Advocate for U.T. Administration was called for. Mr. Shekhar Verma, Advocate has appeared for him. It has been suggested by

the Court that the Secretary Technical Education or his nominee who should be a senior representative of the U.T. Administration well acquainted with the facts, along with Principal of Chandigarh College of Architecture or his nominee, should go for the meeting to be held on 02.11.2015 so that the impasse can be amicably resolved. The Secretary Technical Education of Chandigarh Administration either himself or his nominee who should be a senior representative of the U.T. Administration well acquainted with the facts, along with Principal of Chandigarh College of Architecture or his nominee, shall participate in the meeting of the Council of Architecture convened on 02.11.2015 at 10.30 am.

In view of the fair stand of the learned counsel for the parties, the letters patent appeal is disposed of and we request the learned Single Judge, subject to other pending matters, that in case the matter is not resolved, to take up the case on 04.11.2015, for which the parties shall make a mention before the learned Single Judge. There shall be no order as to costs.

(S. S. Saron)
Judge

16.10.2015
vcgarg

(Amol Rattan Singh)
Judge

Correction slip in
LPA No.1403 of 2015

Council of Architecture
Vs.
Harpreet Singh and others

Present: Mr. Anil Malhotra, Advocate
for respondents No.1 to 3.

On oral request of Mr. Anil Malhotra, Advocate, for respondents No.1 to 3, the order dated 16.10.2015 passed in LPA No.1403 of 2015, is corrected to the extent that the date, i.e. 28.10.2015, mentioned at the end of the order, shall be read as 04.11.2015. The necessary correction has been made by hand in the original order. The corrected order be uploaded accordingly.

(S. S. Saron)
Judge

19.10.2015
vcgarg

(Amol Rattan Singh)
Judge