

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

**CWP No.9100 of 2002 (O&M)  
Date of Decision : 18.02.2016.**

**Safi and others**

**.....Petitioner**

**Versus**

**The Union Territory and another**

**..... Respondents**

**CORAM: HON'BLE MR.JUSTICE S.J.VAZIFDAR, ACTING CHIEF JUSTICE  
HON'BLE MR.JUSTICE ARUN PALLI**

Present : Mr. Hemen Aggarwal, Advocate for the petitioners.

Mr. Sanjeev Sharma, Sr. Standing Counsel with  
Mr. Vikram Vir Sharda, Addl. Standing Counsel  
for U.T.

**S.J.VAZIFDAR, ACTING CHIEF JUSTICE (ORAL):**

The petitioners have challenged the order dated 8.5.2002, passed by respondent No.2, exercising the powers of the Deputy Commissioner, Chandigarh under the Punjab New Capital, (Periphery) Control, Act, 1952 directing demolition of unauthorised construction put up on the petitioners' land. The petitioners were served with notice under Section 12(2) of the said Act directing them to restore the site in its original state or to bring the same in conformity with law. Correspondence (Annexure P-10) states that the petitioner had constructed one shed for cattle and two rooms for his residence only temporarily. The petitioner had enjoyed the stay granted by this Court for fourteen years. It is difficult to determine what transpired during the fourteen years. In view of the passage

of time, we are inclined only by way of indulgence to grant the petitioners an opportunity of being heard.

The petition is, therefore, disposed of by directing the respondents to take a fresh decision on the notice under Section 12(2) of the said Act after affording the petitioners an opportunity of being heard. The petitioners shall in the first instance attend the office of the Deputy Commissioner, Chandigarh on 25.02.2016 at 11.00 A.M. and thereafter as directed by the Deputy Commissioner, Chandigarh either before himself or before the appropriate officer. The impugned order shall remain in abeyance till the fresh decision is taken. In the event of the petitioners failing to appear the impugned order shall remain enforceable. In the event the petitioners appear, *status quo* maintained by the parties including the petitioners shall continue to be maintained till the fresh decision is taken.

**(S.J.VAZIFDAR)**  
**ACTING CHIEF JUSTICE**

18.2.2016

*Manoj Bhutani*

**(ARUN PALLI)**  
**JUDGE**