

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Civil Writ Petition No.14651 of 2016.

Date of Decision: July 26, 2016

Ashok Kumar and others

.....Petitioners

versus

The State of Punjab and others

.....Respondents

**CORAM: HON'BLE MR.JUSTICE SURYA KANT.
HON'BLE MR.JUSTICE DARSHAN SINGH.**

Present: Mr.Malkeet Singh Balianwali, Advocate, for the petitioners.

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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 petitioners are stated to be residents of Green Avenue, Bibi Wala Road, Bathinda. They appears to have constructed houses in an unauthorized colony, the land whereof falls within 49.5 Acres Development Scheme floated by the Improvement Trust, Bathinda. The Trust resolved to exempt the constructed houses from acquisition. The petitioners are stated to be the beneficiaries of that resolution passed by the Improvement Trust. It further appears that they are not being granted basic amenities by the Municipal Corporation as their properties are still un-authorized and have not been 'regularized' by the Improvement Trust. The instant writ petition has now been filed seeking a direction to the Trust to issue 'No Objection Certificate' for the petitioners' houses so that they could apply to the Municipality for extending the basic amenities. To say it differently, the

petitioners want the Improvement Trust to regularize their unauthorized

constructions and issue a certificate to this effect.

Since the representations submitted by the petitioners before the Improvement Trust, copies whereof have been appended with the writ petition as Annexures P-5 to P-11, are still pending consideration, we dispose of this writ petition without expressing any views on merits, with a direction to the Improvement Trust, Bathinda, to ascertain the correct facts and take an appropriate decision on the claim put-forth by the petitioners, in accordance with the Scheme and Housing Bye-laws, as early as possible and preferably within a period of four months from the date of receiving a certified copy of this order. It is made clear that these directions shall not be construed as if unauthorized constructions are to be regularized without charging any external or internal development charges or other levies/penalty, if any, prescribed under the law.

Dasti.

**[SURYA KANT]
JUDGE**

July 26, 2016
mohinder

**[DARSHAN SINGH]
JUDGE**