

In the High Court of Punjab and Haryana at Chandigarh

CWP No.22967 of 2015

Date of decision: January 14, 2016

Tajinder Singh

..... Petitioner

Versus

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE SURYA KANT

HON'BLE MR. JUSTICE P.B. BAJANTHRI

Present: Mr. Tushar Sharma, Advocate for the petitioner.
Mr. K.K. Gupta, Additional Advocate General, Punjab.
Mr. Naresh Prabhakar, Advocate for respondents No.2 to 4.

SURYA KANT, J.

1. The petitioner is the allottee of House No.HE-116, Phase 7, SAS Nagar, Mohali. The said house was resumed vide order dated 29.12.2011 due to unauthorised construction raised by the petitioner. His appeal and revision etc. have been dismissed. The petitioner did not challenge the resumption order but the eviction order having been passed, he went in but lost the appeal. Thereafter, the instant writ petition has been filed.

2. On 28.10.2015, the petitioner's dis-possession was conditionally stayed from the ground floor of the premises subject to his

demolishing the unauthorised construction raised on first and second

floors.

3. On 16.11.2015, the GMADA was asked to inspect the spot and submit their report.

4. The Estate Officer (Housing) GAMADA has filed an affidavit dated 13.01.2016, para 2 where of reads as follows:

2. That in compliance with the aforesaid directions of this Hon'ble Court, the deponent got the site inspected from the Sub Divisional Engineer (Building) of Estate Office, GMADA and as per his report dated 21.12.2015, the petitioner has demolished the unauthorized construction only on the first and second floors of the house, but following unauthorized construction still exists in the house in question:-

(i) Projections from the roof on the side over the road, which are required to be demolished.

(ii) Compoundable unauthorized construction in the back courtyard is 36.13 sq. ft., which can be compounded by depositing the compounding fee of Rupees 2420/-.

(iii) Non compoundable unauthorized construction which is required to be demolished is 54.22 sq. ft.”

5. Learned counsel submits that the petitioner shall demolish non-compoundable unauthorised construction on the ground floor within one month. Similarly, he shall apply for the compoundable unauthorised construction and shall deposit the requisite charges within the above mentioned period.

6. On doing so, the petitioner shall file an affidavit with the Estate Officer (Housing) to the fact that unauthorized construction has

been removed and/or got regularised. The GMADA authorities shall be at liberty to re-inspect the site to satisfy themselves that the orders passed by this Court are complied with.

7. As soon as the unauthorized constructions are removed or compounded, the resumption order, eviction order as well as appellate order shall be deemed to have been set aside, restoring the premises in favour of the petitioner.

8. With these directions, the writ petition stands disposed of.

(SURYA KANT)
JUDGE

(P.B. BAJANTHRI)
JUDGE

January 14, 2016
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