

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP No. 23950 of 2016

Date of Decision: 12.12.2016

Surinder Pal Singh

....Petitioner.

Versus

State of Punjab and others

...Respondents.

**CORAM:- HON'BLE MR. JUSTICE AJAY KUMAR MITTAL.
HON'BLE MR. JUSTICE RAMENDRA JAIN.**

PRESENT: Mr. Kawaljit Singh, Senior Advocate with
Mr. Didar Singh, Advocate for the petitioner.

AJAY KUMAR MITTAL, J.

1. By way of instant petition filed under Article 226 of the Constitution of India, the petitioner has prayed for issuance of a writ in the nature of certiorari for quashing the order dated 12.10.2016 (Annexure P-1) and the notice of demolition dated 15.11.2016 (Annexure P-2) issued by respondent No.2. Further, a writ of mandamus has been sought directing respondent No.2 to decide the application dated 19.10.2016 (Annexure P-3) moved by the petitioner in terms of the notification dated 17.8.2016 (Annexure P-4).

2. The petitioner being an NRI was invited by various schemes and offers of respondent No.1 for investing in the State who decided to invest in his paternal village under the Umbrella Progressive Punjab. He started construction in the year 2014 and was not aware regarding the

approval of site plan or building design clearance. He constructed a two

floor building with all modern amenities. A show cause notice dated 12.10.2016 (Annexure P-1) was issued to the petitioner under Section 87 of the Punjab Regional and Town Planning Act, 1995 for the violation in the building plan. The petitioner approached respondent No.5 and explained the entire possession who informed about the compounding policy of the Government regarding the existing buildings. Respondent No.2 issued a notice dated 15.11.2016 (Annexure P-2) for demolition of the building. Accordingly, the petitioner moved an application dated 19.10.2016 (Annexure P-3) along with the compounding fee to respondent No.5 in terms of the notification dated 17.8.2016 (Annexure P-4) for regularizing the building, but to no effect. Thereafter, the petitioner sent the representations dated 7.11.2016 (Annexure P-5) and dated 24.10.2016 (Annexure P-6) to respondents No.2 and 3, but no response has been received till date. Hence, the present writ petition.

3. Learned counsel for the petitioner submitted that for the relief claimed in the writ petition, the petitioner has moved the application dated 19.10.2016 (Annexure P-3) followed by the representations dated 7.11.2016 and dated 24.10.2016 (Annexures P-5 and P-6, respectively) to respondents No.2, 3 and 5, but no action has so far been taken thereon.

4. After hearing learned counsel for the petitioner, perusing the present petition and without expressing any opinion on the merits of the case, we dispose of the present petition by directing respondent No.5 to take a decision on the application dated 19.10.2016 (Annexure P-3) followed by the representations dated 7.11.2016 and dated 24.10.2016 (Annexures P-5 and P-6, respectively), in accordance with law by passing a speaking order and after affording an opportunity of hearing to the petitioner within a

period of one month from the date of receipt of certified copy of the order.

Till the matter is decided by the said authority, status quo shall be maintained by the parties.

(AJAY KUMAR MITTAL)
JUDGE

December 12, 2016
gbs

(RAMENDRA JAIN)
JUDGE

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No