

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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Civil Writ Petition No.778 of 2016

Date of Decision:15.01.2016

Raghubir Singh Dhayia and others

....petitioners

Versus

State of Haryana and others

.....respondents

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

Present: Mr.Brijender Kaushik, Advocate
for the petitioners

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

The petitioners have challenged the order dated 05.01.2016

(Annexure P14) passed by respondent No.1, which reads as under:

“The arguments of both the parties were heard in detail. The main concern of the petitioners was stated to be the safety of the structures already built and under construction, in the form of lifts and balconies. They have no objection if a qualified institution like PEC or an empanelled engineer certifies about the structural stability of the structures under construction or recently constructed. As per the consensus arrived, the case is accordingly disposed off with the following directions:

a) The Punjab Engineering College (PEC), Chandigarh would be requested by the petitioners as well as the Mahender Vihar Housing Cooperative Maintenance Society to carry out inspection of under-construction/proposed lifts and balconies and submit a report about structural stability, as per laid down norms/codes. In case, PEC expresses its inability to undertake the task quickly, then CE, HUDA will select an empanelled engineer to carry out the inspection and submit his report.

b) The respondent No.2 and 3 will undertake (in writing)

that if certain deficiencies are pointed out by the PEC or the Structural Stability Engineer, those deficiencies would be rectified/removed. They would further given an undertaking that there would be no deviation from the approved building plans.

c) All constructions made without following norms or in deviation of the approved plans would be demolished.

d) Status quo orders are consequently lifted.

The copy of order may be provided to all the relevant parties.”

Learned counsel for the petitioners states that it is wrongly stated in the order that it was passed with the consent of the parties.

No application has been made to respondent No.1, who passed the order, to have it rectified. The petitioners must, in the first instance, make an application to respondent No.1, for rectification.

If the order is not rectified, the petitioner must also, in the first instance, seek to have the same modified.

The petition is disposed of, with the liberty as aforesaid. There is no reason to believe that respondent No.1 will not entertain the application if made, according to the urgency that it deserves.

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

**(ARUN PALLI)
JUDGE**

January 15, 2016
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