

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

**CR No.7829 of 2015(O&M)
Date of Decision: 30.11.2017**

Satjit Singh

.....Petitioner

Versus

Municipal Corporation and another

... Respondents

CORAM:-HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present:Mr. Manuj Nagrath, Advocate
for the petitioner.

Mr. Samarth Sagar, Advocate and
Mr. Sunil Kumar, Advocate
for the respondent(s).

Mr. Saurabh Arora, Advocate
for the applicant.

RAJ MOHAN SINGH, J.(ORAL)

[1]. Vide order dated 01.12.2011 passed by Assistant Town Planner on behalf of Commissioner, Municipal Corporation, Ludhinana, unauthorized construction raised by the petitioner was ordered to be demolished.

[2]. Against the said order, an appeal was preferred by the petitioner before the Additional District Judge, Ludhiana. Vide order dated 01.09.2012, Additional District Judge, Ludhiana set aside the impugned order and remanded the case back to the respondents to decide the matter afresh after hearing the petitioner on objections filed by him. Respondents were given liberty to issue fresh notice to the petitioner as provided under

by-laws.

[3]. Thereafter, order dated 19.02.2013 was passed by the Assistant Town Planner for Commissioner, Municipal Corporation, Ludhiana, vide which notices issued earlier under Sections 269/270 of the Punjab Municipal Act were relied. Petitioner remained unsuccessful in appeal before the Additional District Judge, Ludhiana, who has dismissed the appeal by observing that the petitioner has suffered a statement that in case of any violation on his part, he is ready to get the violation compounded. The plea raised by the petitioner in respect of age of the construction was disbelieved and the appeal was rejected.

[4]. During course of arguments, it has been established from the official record that in pursuance of order dated 01.09.2012, no fresh notice has been issued to the petitioner. In order to give fair chance to the petitioner and in compliance of the order dated 01.09.2012 passed by the Additional District Judge, Ludhiana, respondents were required to issue fresh notices to the petitioner in accordance with law and thereafter, they were required to act in the context of violation done by the petitioner. Apparently, no such compliance has been made, therefore, I deem it appropriate to set aside the impugned order and give liberty to the Municipal Corporation, Ludhiana to issue

fresh notice to the petitioner in the context of any violation committed by the petitioner and then act in accordance with law.

[5]. Since the main revision petition is being disposed of, therefore, liberty is granted to the applicant to move appropriate application for impleadment before the Court below. In the event of filing such application, the same shall be decided in accordance with law.

[6]. Disposed of.

30.11.2017	(RAJ MOHAN SINGH)
prince	JUDGE
Whether reasoned/speaking	Yes/No
Whether reportable	Yes/No