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

CWP-13125-2017

Date of decision : 02.06.2017

Arjan Singh and another

... Petitioner(s)

Versus

State of Punjab and others

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. K.V.S. Kang, Advocate
for the petitioners.

AMIT RAWAL, J. (ORAL)

Learned counsel for the petitioners submits that on 27.06.2013, they purchased the SCO Nos.135 & 136 in District Shopping Centre, Ranjit Avenue, Amritsar, in a open auction being highest bidder. On 22.05.2014, the site plan for construction of the shops was sanctioned. The petitioners have been served with a notices (Annexure P-8 to P-13) under Section 269 (i) of the Punjab Municipal Corporation Act, 1976 read with Rule 49 of the Punjab Town Act, 1922, for raising a construction deviated from the sanctioned plan. No doubt the remedy against the decisions taken in pursuance to the aforementioned notices, envisaged filing of an appeal under sub-Section (3) of Section 269 before the District Judge, but in view of the changed circumstances i.e. Resolution No.76 dated 08.08.2016, the Municipal Corporation has come out with the scheme of compounding certain instructions, which are perse not in deviation of the sanctioned plan, in essence, the ones which are confirming to the resolution. In this regard, the petitioners have already moved a representation dated 12.05.2017 (Annexure P-14) and the same is pending for adjudication, but

the threat of demolition is looming large. In these circumstances, he submits that till the representation is pending, forcible measures may not be taken.

I have heard the leaned counsel for the petitioners and appraised the paper book and of the view that no doubt the petitioners have an efficacious remedy of filing an appeal under Section 269 (3) of the Punjab Municipal Corporation Act, against the decisions taken in pursuance to the notices, but owing to the supervening facts, as indicated above, the petitioners have availed the remedy and until and unless, there is an adjudication of the remedy, respondent No.2 is expected not to take forcible measures.

Keeping in view the aforementioned facts, I deem it appropriate to dispose of the present writ petition with a direction to respondent No.2/Amritsar Improvement Trust, to decide the representation dated 12.05.2017 (Annexure P-14) in an objective and pragmatic manner, in essence, there shall be an subjective consideration and till such time, it shall not take any forcible measures.

Let this exercise be done within a period of three months from the date of the receipt of the certified copy of this order.

The writ petition stands disposed of, with the aforesaid direction.

02.06.2017
Yogesh Sharma

(AMIT RAWAL)
JUDGE

✓

Whether speaking/reasoned **Yes/ No**

✓

Whether Reportable **Yes/ No**