

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

CWP-21135-2015

Date of Decision: February 01, 2017

Palam Enclave Resident Welfare Society

.....Petitioner

Versus

State of Punjab and others

.....Respondents

**CORAM: HON'BLE MR.JUSTICE SURYA KANT
HON'BLE MR. JUSTICE SUDIP AHLUWALIA**

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|----|---|---------|
| 1. | To be referred to the Reporters or not? | Yes/No |
| 2. | Whether the judgment should be reported in the Digest? | Yes/No. |
| 3. | Whether Reporters of local papers may be allowed to see the judgment? | Yes/No |

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Present: Dr.Naresh Kaushik, Advocate
for the petitioner.

Mrs.Munisha Gandhi, Addl.AG, Punjab with
Mr.Harleen Kaur, AAG, Punjab.

Mr.Sanjeev Roy, Advocate for
Mr.Tarunvir Lehal, Advocate
for respondent No.2.

Mr.Gaurav Jindal, Advocate for respondent No.4.

Mr.Rupinder Khosla, Sr.Advocate with
Mr.Aman Sharma, Advocate for
respondent Nos.7 to 11.

Mr.Nitin Jain, Advocate for respondent No.12.

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SURYA KANT, J.

The Deputy Director, Local Bodies, Ludhiana has filed status
report according to which most of the development works are complete. The

builder-cum-developer is surely under legal obligation for upkeep of all

development works and continuous repair, renovation and maintenance, any dereliction of duty in this regard has to be viewed seriously. Similarly, the Deputy Director, Local Bodies is duty bound to supervise the development works and submit a periodical report to State Government after every three months with regard to the functional conditions of the amenities and other development works. Any lapse in this regard by the Officer can invite stern action by this Court.

[2] As regard to regularisation of the locality, the builder is directed to remove the objections raised by Government department/agencies and seek regularisation which shall be considered by the Competent Authority in a time bound manner. While the builder will complete the pending projects and apply for regularisation within three months from the date of receipt of a certified copy of this order, the Competent Authority shall, after inspection, take the final decision within two months thereafter.

[3] As soon as the amenities/development works are complete, the builder-cum-developer shall apply to the Municipal Council to take over the colony in accordance with law. The Municipal Council shall then assume the jurisdiction and take over the responsibility for future maintenance etc. subject to such terms and conditions as may be agreed to between the parties as per the licence or the Statute. The lapses, if any, on the part of the builder-cum-developer or any Government Authority need not be made subject matter of a writ petition. Rather, the petitioner shall be at liberty to initiate the contempt of Court proceedings.

[4] The bank guarantee furnished to the State Government shall not

be returned and shall have to be renewed from time to time till the

completion of all development works.

[5] Disposed of in above terms.

(SURYA KANT)
JUDGE

February 01, 2017
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(SUDIP AHLUWALIA)
JUDGE

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| 1. | Whether speaking/reasoned ? | Yes/No |
| 2. | Whether reportable ? | Yes/No |