

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

CWP-22481-2017 (O&M)

Date of decision:- 03.10.2017

Ashok Kumar

...Petitioner

Versus

Deputy Commissioner, U.T., Chandigarh and others

...Respondents

CORAM: HON'BLE MR. JUSTICE S.J. VAZIFDAR, CHIEF JUSTICE
HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

Present:- Mr. Shranav Katyal, Advocate,
for the petitioner.

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S.J. VAZIFDAR, C.J. (ORAL)

The petitioner's grievance is that the official respondents have not taken any action against the alleged illegal construction put up by the tenants occupying the premises in question.

2. The private respondents have not been impleaded. Their rights would be affected by any orders passed in this petition. The petitioner claims to be the Constituted Attorney (GPA) of the original allottee. The original allottee has died. The GPA, therefore, came to an end. The petitioner's claim is, however, under an alleged Will dated 26.04.1995 executed by the original allottee.

3. Proceedings are pending before the authorities. The revisional authority has remanded the matter to the Chief Administrator, U.T., Chandigarh. According to the petitioner, the remand is only for the purpose of correcting the title by including the name of one of the tenants. The petitioner contends that there is no stay on demolition of the premises.

He states that the application for stay has been vacated and yet the authorities are not taking any action.

We do not wish to express any views on the petitioner's rights in respect of the property. Nor do we wish to pass any mandatory orders as the concerned respondents, namely, the tenants are not impleaded in this petition.

4. The petition is disposed of with no orders at this stage. The petitioner's representations dated 08.12.2016 and 10.08.2017 shall, however, be responded to. It is, however, clarified that the authorities are always entitled to act in accordance with law in respect of the premises. Needless to add that the authorities shall do so only after hearing all the parties concerned. We have expressed no opinion whatsoever on the merits of the case.

(S.J. VAZIFDAR)
CHIEF JUSTICE

(HARINDER SINGH SIDHU)
JUDGE

03.10.2017
Amodh

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No