

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

CWP No.23761 of 2017
Date of decision:-13.10.2017

Smt. Veena Goyal and others

.. Petitioners

vs.

Chandigarh Administration and others

.. Respondents

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

Present:- Mr. Sanjay Kaushal, Sr. Advocate with
 Ms. Ritam Aggarwal, Advocate
 for the petitioners.

S.J. VAZIFDAR, CHIEF JUSTICE

The petitioner's grievance is that the official respondents have not processed their application dated 21.04.2017 for the grant of a revised building plan. The petitioners are the co-owners along with respondents No.8 and 9 to the extent of a 12.5% share in the property. They acquired the ownership of this 12.5% share on 21.04.2017. They, however, claim to have been tenants of a part of the larger property since the year 1980.

The petitioners ran an industrial unit on a part of the property., which was sealed by the official respondents on the ground that they had allegedly committed certain building violations in October, 2016. They made the application for regularization of the compoundable violations. Even that application has not been processed as yet.

At this stage, it would not be proper to make any observation on the merits of the petitioners' applications either for sanction of the revised building plan or for rectification of the non-compoundable violations. The

authority must decide that applications.

In the circumstances, the petition is disposed of by directing the official respondents to consider the petitioners' application dated 21.04.2017 for sanction of the revised building plan. The petitioners are also at liberty to make an application for de-sealing the property upon their rectifying the compoundable violations and removing the non-compoundable violations, if any. The petitioners would be at liberty to apply to have the application for de-sealing on the above conditions decided first.

The official respondents shall comply with this order by 30.11.2017.

In the event of the application for de-sealing by rectification of the compoundable violations and removal of the non-compoundable violations, being allowed, the respondents would obviously de-seal the premises for the purposes of enabling the petitioners to first comply with the order. It is clarified that in such circumstances, the petitioners shall not commence/re-commence any activity in the premises except for complying with such orders.

Needless to add that the official respondents shall decide the application in accordance with law and after hearing the co-owners if necessary. We have expressed no view on the merits of the petitioners' case.

(S.J. VAZIFDAR)
CHIEF JUSTICE

(HARINDER SINGH SIDHU)
JUDGE

13.10.2017
Atul

Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No