

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

CWP No.24153 of 2017 (O&M)

Date of decision:-26.10.2017

Lal Bahadur

.. Petitioner

vs.

The Chairman, Chandigarh Housing Board and others

.. Respondents

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

Present:- Mr. Dhruv Gupta, Advocate
 for the petitioner.

S.J. VAZIFDAR, CHIEF JUSTICE

The petitioner has challenged the order of resumption, which is passed *inter alia* on the ground that the petitioner had committed several building violations. The petitioner agrees and undertakes to remove all the non-compoundable violations. He also seeks an opportunity to regularize the compoundable violations.

One of the questions which arises is whether certain violations are compoundable or non-compoundable. It is appropriate that the authorities decide these questions in the first instance. The petitioner is, therefore, relegated to the alternative remedy of an appeal.

The petitioner seeks time to file an appeal before the Appellate Authority under Section 10 of the Capital of Punjab (Development and Regulation) Act, 1952. If the petitioner files the appeal by 10.11.2017, the same shall be decided on merits but only so far as the petitioner's above offer is concerned.

The petitioner is always at liberty to file an interim application before the Appellate Authority. If the interim application is made by

10.11.2017, the parties including the petitioner shall maintain *status quo* in all respects till the interim application is decided.

It is for the Appellate Authority either to decide the interim application or the appeal itself finally.

The petition is accordingly disposed of

(S.J. VAZIFDAR)
CHIEF JUSTICE

(HARINDER SINGH SIDHU)
JUDGE

26.10.2017
Atul

Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No