

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.8762 of 2016 (O&M)

Date of Decision: 22.05.2017

Maya Garden Residents Welfare Society ... Petitioner

VS.

State of Punjab & Ors. ... Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT

HON'BLE MR.JUSTICE HARI PAL VERMA

Present: Mr. Karan Bhardwaj, Advocate for the petitioner
Mr. Rajesh Bhardwaj, Addl. AG Punjab
Mr. Shekhar Verma, Advocate for respondent No.3
Mr. Raghav Goyal, Advocate for
Mr. GS Attariwala, Advocate for respondents 5&7
Ms. Savvy Kaushal, Advocate for respondents No.8&9
Mr. Munish K Singla, Advocate for respondent No.10 to 12
Mr. Sumit Gupta, Advocate for applicant

SURYA KANT, J. (Oral)

(1) The matter pertains to the grievances of the residents of Maya Garden, Phase-2, VIP Road, Zirakpur against their private builder-cum-developers, namely, respondents No.10 to 12. It is alleged that there are several violations of the Punjab Apartment and Property Regulations Act, 1995 as amended from time to time. It is also alleged that there are encroachments on 'common' and 'green areas', 'parking sheds' and that the electricity Transformers have been installed at places other than the earmarked sites. Various other issues have also raised.

(2) On January 17, 2017, the respondent-builder was directed to remove the encroachments on the road and install the Transformers at the earmarked site in the original drawing/site plan.

(3) In deference thereto, an affidavit has been filed today by the Administrative Officer of the builder to the effect that two Transformers which were installed/shifted on the suggestion given by the residents, have since been removed and shifted to the earmarked site. The photographs have

also been appended in support of the plea. It is also pointed out that there are more than one Residents' Welfare Associations and there is inter-se dispute amongst the residents of the colony.

(4) Be that as it may, with the coming into force of the Real Estate (Regulations and Development) Act, 2016 w.e.f. 01.05.2017, the State of Punjab has already constituted the Real Estate Regulatory Authority under third *proviso* to Section 20 of the Act. The said Authority is vested with ample powers under different provisions of the Act to resolve such like disputes and to issue necessary directions which are enforceable in law. Further, the Educational Tribunal, Punjab has been notified as the Appellate Tribunal under the Act till a regular Appellate Tribunal is constituted.

(5) In view of the fact that statutory mechanism is now in place, we dispose of the writ petition as well as the applications with liberty to the petitioner-Association to raise its left out issues before the said Authority, who, in turn, is directed to consider and resolve those issues in accordance with law and powers vested in it under the Act, as early as possible and preferably within four months from the date of submission of claim by the petitioner.

(6) With these directions, the writ petition as well as all the miscellaneous applications stand disposed of.

(Surya Kant)
Judge

22.05.2017
vishal shonkar

(Hari Pal Verma)
Judge

1. Whether speaking/reasoned?
2. Whether reportable?

Yes
No