

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

(116)

CWP-3109-2017

Decided on: February 17, 2017.

Haryana Urban Development Authority

.... Petitioner

Versus

Ascharaj Lal Gulati and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI

Present: Mr. Abhishek Arora, Advocate, for
Mr. Sumit Jain, Advocate, for the petitioner.

M.M.S. BEDI, J (ORAL)

Respondent No.1 had been granted occupation certificate on the basis of an ex parte order award dated 01.07.2015 passed by the Permanent Lok Adalat in the exercise of jurisdiction under Section 22-C (a) of the Legal Services Authority Act, 1987. The said order being ex parte, the petitioner, Haryana Urban Development Authority had sought setting aside of the same. The said application has been dismissed on 15.06.2016.

Learned counsel for the petitioner relies upon judgment in **Balwinder Singh Vs. Assistant Executive Engineer, Punjab State Power Corporation Ltd, CR-2114-2012 decided on August 23, 2013** wherein the High Court had interfered in the ex parte Award passed on merits in the absence of the petitioner in said case and set aside the same.

I have heard learned counsel for the petitioner and required the petitioner to satisfy this Court the prejudice which is being caused on account of the occupation certificate having been granted to the respondents as per the Award.

Learned counsel for the petitioner submits that there are number of violations of rules and regulations which would not entitle respondent No.1 to seek the occupation certificate under the Rules.

I have heard learned counsel for the petitioner and I am of the opinion that the petitioner authority always has a jurisdiction under the provisions of Haryana Urban Development Act to take action for violations having been committed by any of the owner or the occupier of a particular building within the ambit of its jurisdiction. There appears to be no ground to interfere in the order dated 15.06.2016 passed by the Permanent Lok Adalat as the original Award dated 01.07.2015 has not been challenged before this Court.

Taking into consideration the above said circumstances, I do not find any ground to exercise writ jurisdiction in the circumstances of the present case, however, it is observed that dismissal of this petition will not prejudice the rights of the petitioner to invoke any statutory provision for violations of any condition of allotment by respondent No.1.

The ratio of the judgment cited by counsel for the petitioner in view of above said case, will not be applicable to the facts of the present case.

It is made clear that the occupation certificate issued by the petitioner under the directions of the Permanent Lok Adalat will not in any manner prejudice the rights of the petitioner authority to require respondent No.1 to comply with the conditions of allotment.

(M.M.S. BEDI)
JUDGE

February 17, 2017
harsha

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No