

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Civil Writ Petition No.4774 of 2017

Date of Decision: March 08, 2017

Maya Garden-I Residents' Welfare Association Regd.Petitioner

versus

State of Punjab and othersRespondents

**CORAM: HON'BLE MR.JUSTICE SURYA KANT.
HON'BLE MR.JUSTICE SUDIP AHLUWALIA.**

Present: Mr.Naresh Kaushik, Advocate, for the petitioner.

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1. Whether Reporters of Local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

Surya Kant, J. (Oral)

The petitioner is a Residents' Welfare Association of Maya Garden-I, which is a residential colony developed by private-builders, namely, respondent Nos.11 to 13. The said residential colony has been set-up at VIP Road, Zirakpur, District SAS Nagar Mohali. The licence to develop the residential colony was granted to the private-builders under the provisions of the Punjab Apartment and Property Regulations Act, 1955. Under the said licence, the private-builders are obligated to complete the development works in a time bound manner, provide all the basic amenities to the allottees and thereafter, hand-over the project complete in all respects to the municipal authorities.

The grievance of the petitioner-Association in this case is that neither development works are complete nor the builders have provided the basic amenities. Contrary to it, the apartments are being sold to new

is a mandatory condition under Section 3(2) read with Section 14 of the 1995 Act. It is also alleged that constructions are being raised in violation of the lay-out plan which was approved by the Chief Town Planner, Punjab.

The petitioner has raised all these issues vide a legal notice dated 12.01.2017 (P-5) but received no response thereto from the official-respondents.

Since the issues raised on behalf of the petitioner-Association are required to be addressed by the builders as well as the authorities who are entrusted with the responsibility to monitor and supervise the projects under the Act, we dispose of this writ petition with a direction to respondent Nos.3 & 4, namely, Deputy Director, Local Bodies Department, Punjab, Ludhiana and Municipal Council, Zirakpur, District SAS Nagar Mohali, respectively, to take cognizance of the legal notice served on behalf of the petitioner-Association and take necessary action in the matter within a period of four months from the date of receiving a certified copy of this order.

The above-stated authorities shall ensure that all the basic amenities are adequately provided to the allottees.

Ordered accordingly.

Dasti.

[SURYA KANT]
JUDGE

March 08, 2017
mohinder

[SUDIP AHLUWALIA]
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No