

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Civil Writ Petition No.6878 of 2017.

Date of Decision: April 03, 2017

Suraj Parkash Baweja and othersPetitioners
versus
State of Punjab and othersRespondents

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

Present: Mr.Rajeev Anand, Advocate, for the petitioners.

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Surya Kant, J. (Oral)

The Indian Railway Welfare Organization is stated to be a Society registered under the Societies Registration Act and has been constituted to cater the need of residential Apartments for serving and retired employees of Indian Railways. One of such project was taken up by the Organization, i.e., Rail Vihar Group Housing Scheme, VIP Road at Zirakpur, District SAS Nagar Mohali. The petitioners are also amongst the allottees of dwelling units in the said Group Housing Scheme.

[2] Some of their grievances in the instant writ petition are that; (i) the allottees are being forced to take possession of the Apartments which are still incomplete as the development works have not been completed; (ii) the allottees are being asked to take possession though no Occupation Certificate in accordance with the provisions of 'the Punjab Apartment and Property Regulation Act, 1995' has been taken; (iii) the office bearers of the Welfare Association have violated in wholesome various terms and conditions of the licence; (iv) there is no transparency in the maintenance of accounts and huge additional demands have been raised against the allottees without furnishing the statement of accounts even though it is claimed that the Apartments are being constructed on 'no profit no loss' basis etc. etc.

[3] The other grievance of the petitioners is that the project is claimed to have been executed on the basis of a licence granted under the Punjab Apartment and Property Regulation Act, 1995 (for short 'the 1995 Act') but neither they have been shown the licence nor the Statutory Authorities under the Act have come forward to monitor the project. The petitioners are thus equally aggrieved against the Director, Town and Country Planning, Punjab or the other authorities to whom the statutory powers have been vested under the 1995 Act.

[4] We have heard learned counsel for the petitioners and are of the considered view that the factual issues raised by the petitioners in this writ petition can be effectively gone into by the Director, Town and Country Planning, Punjab or other authorities in exercise of powers under the 1995 Act. We thus dispose of this writ petition without expressing any views on the merits of petitioners' allegations with a direction to respondent No.2 to call for the records and/or entrust the matter to the Prescribed Authority, if any, who shall look into the grievances of the petitioners and decide the issues raised by them by way of a reasoned order and after hearing all the affected parties. It shall be appreciated if an appropriate decision is taken within a period of three months from the date of receiving a certified copy of this order. The payment towards additional demand shall be made subject to final decision to be taken by the authorities.

[SURYA KANT]
JUDGE

April 03, 2017
mohinder

[SUDIP AHLUWALIA]
JUDGE

Whether speaking/reasoned
Whether Reportable

: **Yes/No**
: **Yes/No**