

HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-7105-2017

Date of Decision: April 05, 2017

Silver City (Main) Residents Welfare Association (Regd.), Zirakpur
.....Petitioner

Versus

State of Punjab and others

.....Respondents

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

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| 1. | To be referred to the Reporters or not? | Yes/No |
| 2. | Whether the judgment should be reported in the Digest? | Yes/No. |
| 3. | Whether Reporters of local papers may be allowed to see the judgment? | Yes/No |

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Present: Mr.P.S.Khurana, Advocate
for the petitioner.

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SURYA KANT, J.

The petitioner is a residents' Welfare Association of Silver City (main), namely, a residential colony developed by the respondent-private builders within the municipal area of Zirakpur, District SAS Nagar, Mohali.

[2] The grievance of the petitioner-Association is that the Municipal Council, Zirakpur has illegally sanctioned the building plans for construction of Delhi Cabbridge School at Silver City Village on a plot measuring 5000 sq.yards in purported exercise of its powers under Section 189 of the Punjab Municipal Act, 1911 even though the sight is earmarked for a Nursery School only.

[3] We have heard learned counsel for the petitioner at length. The

decision taken by the Municipal Council is appealable/revisable by statutory

authorities. We, thus, dispose of this writ petition with a direction to the Deputy Director, Department of Local Government, Punjab to consider the appeal, if any, submitted by the petitioner-Association and determine whether or not the above-mentioned sanction has been granted in accordance with law. If petitioner -Association is still dis-satisfied, it shall be at liberty to approach the State Government who shall in exercise of its revisional powers decide the above-stated controversy. The Deputy Director, Local Government is directed to decide the matter within a period two months by way of a reasoned order and after hearing the parties concerned.

**(SURYA KANT)
JUDGE**

April 05, 2017
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**(SUDIP AHLUWALIA)
JUDGE**

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| 1. Whether speaking/reasoned ? | Yes/No |
| 2. Whether reportable ? | Yes/No |