

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-22863-2010

Date of Decision: July 11, 2018

Manjit Kaur Brar and others

.....Petitioners

Versus

Chandigarh Administration and others

.....Respondents

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

Present: Mr.Vikas Jain, Advocate for the petitioners.

Mr.Suvir Sehgal, Advocate with
Mr.Arjun Lakhanpal, Advocate
for the respondents.

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SURYA KANT, J.(ORAL)

The petitioners are allottees/owners of Shop-cum-Flats (SCFs) in Sectors 19, 23 and 27, Chandigarh. Some of these SCFs have been converted into Shop-cum-Offices also. Their grievance is that while covered area of Ground Floors has been permitted to be increased by the Chandigarh Administration, no such permission is being accorded in respect of First or Second Floors in Sectors 1 to 30, falling in Phase-I, though such permission has been granted in other sectors. There are instances relied upon by the petitioners where permission is said to have been granted even in Sectors 1 to 30 also. The matter was heard at length on 30.09.2014 when this Court directed Chandigarh Administration to re-visit their decision and take a holistic view in respect of granting permission for additional covered area on

the Chief Architect, Department of Urban Planning, Chandigarh Administration, issued a communication dated 08.12.2014 expressing his inability to increase the additional covered area on the first and second floors of SCFs in Phase-I on the plea that 'this will put additional pressure on the infrastructure and raise demand for augmenting parking spaces.' The petitioners have effectively answered the above-stated objection of the Chief Architect and are said to have submitted a fresh proposal-cum-representation, which is again under consideration before the Chief Architect, UT, Chandigarh.

[2] Keeping this in view and also to enable the authorities to take their afresh decision keeping all the changed circumstances in view, without being influenced by the fact that the instant writ petition is still pending or the matter is sub-judice, we deem it appropriate to dispose of this writ petition with a direction to the Chief Architect, UT, Chandigarh and other authorities to take an appropriate decision, also keeping in mind the recommendations made by the Bylaws Committee, within a period of three months from the date of receipt of a certified copy of this order. It shall be appreciated if representatives of the petitioners are also heard before any such decision is taken. If the petitioners are still dis-satisfied, they shall be at liberty to approach the appropriate Forum.

(SURYA KANT)
JUDGE

July 11, 2018

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(SUDIP AHLUWALIA)
JUDGE

1. Whether speaking/reasoned ?

Yes/No

2. Whether reportable ?

Yes/No