

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

**CWP No. 11066 of 2018
Date of Decision : 03.05.2018**

Satwant Kaur and another

...Petitioners

Versus

**The Secretary, Department of Housing and Urban Development,
Punjab Civil Secretariat, Chandigarh and others**

...Respondents

***CORAM: HON'BLE MR. JUSTICE AJAY KUMAR MITTAL
HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL***

Present: Mr. Dilpreet Singh Takkar, Advocate for the petitioners.

Ajay Kumar Mittal, J.(Oral)

The petitioners have approached this Court impugning order dated 23.04.2018 (Annexure P-6), whereby direction has been issued to demolish the unauthorised construction.

2. According to the learned counsel for the petitioners the construction, which has been raised by the petitioners, is authorized and, accordingly, an appeal had been filed before respondent No. 1. It was stated that along with the appeal, an application for interim stay of demolition was also filed, which was listed on 27.04.2018. It was urged that on the said date, the stay application was not decided and the same was adjourned to 08.05.2018. In the meantime, the notice for demolition has been received intimating that the demolition shall be carried out on 04.05.2018.

3. It was contended by learned counsel for the petitioners that in

case demolition is carried out, the right of statutory appeal would be rendered infructuous and the application for stay, which was filed prior to the date of issuance of impugned order (Annexure P-6) for demolition, has not been decided by the appellate authority.

4. After hearing learned counsel for the petitioners, perusing the present writ petition and without commenting anything on the merits of the case, we direct respondent No. 1 to take a decision on the stay application on the date fixed i.e. 04.05.2018 or within next 15 days and dispose of the same by passing a speaking order in accordance with law.

5. In the meantime, till the stay application is adjudicated upon by respondent No. 1, demolition shall not take place.

6. Needless to say that anything expressed here-in-above shall not be construed as an opinion on the merits of the case.

(AJAY KUMAR MITTAL)
JUDGE

May 03, 2018
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(ANUPINDER SINGH GREWAL)
JUDGE

Whether speaking/reasoned? Yes/No
Whether reportable? Yes/No