

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

CWP No.19933 of 2014
Date of Decision: 06.03.2018

Sonu @ Sandeep Jain

...Petitioner

VS.

State of Punjab & Ors.

... Respondents

Coram : Hon'ble Mr.Justice Surya Kant
Hon'ble Mr.Justice Shekher Dhawan

Present: Mr. Rahul Rampal, Advocate for the petitioner

Mr. Sahil Sharma, DAG Punjab

SURYA KANT J. (Oral)

(1) The petitioner's grievance in the instant writ petition is that he was earlier granted CLU permission in respect of the property bearing No.3716, Street No.7, Gagandip Colony, Ludhiana. The permission was granted to utilize the property for commercial purposes. As the property is located in a residential area, a neighbour of the petitioner challenged the action of Municipal Corporation in granting CLU to convert the plot from residential to commercial activity. This Court vide order dated 17.07.2014 passed in CWP No.13733 of 2014 stayed the order of Municipal Corporation and eventually the Municipal Corporation withdrew the said order keeping in view the observations made by this Court.

(2) The aggrieved petitioner has filed the instant writ petition primarily on the ground that the order of regularization of construction could not be withdrawn without hearing him.

(3) We have heard learned counsel for the parties and gone through the record.

(4) It is undeniable that the subject property is located in a residential area. The construction raised thereupon cannot thus be permitted to be used for commercial purposes. At the same time, if there is any addition, alteration/modification in the building, the petitioner will be well within his right to apply for regularization of such construction subject to the rules and regulation formulated by the Corporation and further subject to the condition that such modified building shall also be used for residential purposes only.

(5) The writ petition is accordingly disposed of with a direction that let the petitioner's request for regularization of the existing structure be considered in accordance with its byelaws/rules/regulations/policy of the Corporation subject to the conditions mentioned above.

(6) Let an appropriate order be passed within three months from the date of receipt of certified copy of this order.

(Surya Kant)
Judge

06.03.2018
vishal shonkar

(Shekher Dhawan)
Judge

1. *Whether speaking/reasoned?*
2. *Whether reportable?*

Yes
No