

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-17886-2018

Date of Decision: July 23, 2018

Abhishek Sharma

.....Petitioner

Versus

Chandigarh Administration and others

.....Respondents

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

Present: Petitioner in person.

.....

SURYA KANT, J.(ORAL)

The petitioner, who appeared in person, is aggrieved by the Notice dated 06.07.2018 (Annexure P-5) issued by Chandigarh Housing Board purportedly under Section 15 of the Capital of Punjab (Development and Regulation) Act, 1952 in respect of Dwelling Unit No.728 (Ground Floor), Sector 41-A, Chandigarh. The said Notice is in continuation of an earlier Notice, dated 17.01.2013 (Annexure P-4) whereby it was pointed out that the petitioner has allegedly made unauthorised construction comprising (i) Rear Courtyard covered; and (ii) Govt. land encroached with flooring.

[2] The petitioner submits that so far as the second unauthorised construction, namely, 'flooring on the Government land' is concerned, he has no objection if the same is dismantled. As regard to the first alleged unauthorised construction, namely, 'covering of rear court-yard', he urges that it is now permissible and is a compoundable irregularity in terms of

[3] In the light of the above-stated categorical stand taken by the petitioner that the alleged unauthorised construction made by him is protected under the Board's own Policy or that it deserves to be regularised, the writ petition is disposed of with a direction to the Chandigarh Housing Board to consider the above-mentioned claim of the petitioner in the light of its Policy dated 23.03.2010 and pass a reasoned order within a period of two months from the date of receipt of a certified copy of this order.

[4] Till such time, status quo re: demolition be maintained.

**(SURYA KANT)
JUDGE**

July 23, 2018
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**(SUDIP AHLUWALIA)
JUDGE**

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