

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Civil Writ Petition No.18463 of 2018

Date of Decision: July 27, 2018

M/s Star Colonizer's and Builder Pvt. Ltd.

.....Petitioner

versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT.

HON'BLE MR.JUSTICE SUDIP AHLUWALIA.

Present: Mr.Naresh Kumar Kaushik, Advocate, for the petitioner.

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Surya Kant, J. (Oral)

The petitioner is a builder-cum-developer who is said to have completed all the development works in respect of the Residential Colony developed by it and as was directed by this Court in CWP No.5321 of 2012 (Gulmohar Complex Residents Welfare Society (Regd.) versus State of Punjab and others) decided on 12.02.2014 (P-2). The completion of development works has taken notice by this Court in contempt jurisdiction vide order dated 17.02.2017 passed in COCP No.381 of 2015 (Gulmohar Complex Residents Welfare Society versus Priyank Bharti, IAS, Director, Local Govt. Punjab and others) (P-3). It is averred that despite completion of development works, the Municipal Council, Kharar is not taking over the area within its jurisdiction in terms of Section 5 and 14 of the Punjab Apartment & Property Regulation Act, 1995 and the Rules framed thereunder. It appears that the petitioner is not being issued the 'completion certificate' due to which the Residential Colony developed by it has not been taken-over by the municipality for day to day maintenance.

Be that as it may, since the issue is pending before the

Municipal Council, Khahar, the writ petition is disposed of without

expressing any views on merits, with a direction to respondent Nos.2 & 3 to ascertain the correct facts and take necessary action in respect of the above-mentioned claim of the petitioner, in accordance with law, within a period of three months from the date of receiving a certified copy of this order.

Dasti.

[SURYA KANT]
JUDGE

July 27, 2018

mohinder

(SUDIP AHLUWALIA)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No