

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CWP-25315-2016

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Date of Decision: 24.04.2018

RAMESH KUMAR

....Petitioner(s).

Versus

STATE OF PUNJAB AND ANR.

...Respondent(s).

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

Present: Mr. Manish Kumar Singla, Advocate
for the petitioner.

Mr. Jagmohan S. Ghuman, DAG, Punjab.

Mr. Mohit Sadana, Advocate for respondent No.2.

ANUPINDER SINGH GREWAL, J.

The petitioner has sought a direction to the respondents to give him complete possession of shop with Mezanite No.6, as had been allotted to him in pursuance to an order dated 21.11.2011 (Annexure P-1) passed by this Court in LPA No.561 of 2011. He has also sought a further direction to the respondents to defer the installments of shop with Mezanite No.6 till the complete possession is given to the petitioner as well as a direction to the respondents to remove the illegal building of Dharam Arth Langar, which is in front of the shop allotted to him.

2. It is the case of the petitioner that the afore-noted shop was allotted to him, and he had deposited an amount of Rs.1,20,000/- on 05.05.2015 and subsequently, further payment as demanded by the respondents amounting to Rs.4,01,022/- had also been made. The petitioner is ready to deposit the outstanding

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amount of Rs.9,68,400/- in installments. The petitioner has not been handed over the complete possession of the shop as passage to it has been blocked due to construction of illegal structure. The petitioner has, several times, approached the respondents for removal of the structure and give complete possession to him but the respondents did not pay any heed.

3. Additional affidavit of Executive Officer, Improvement Trust, Sangrur has been filed by learned counsel appearing for respondent No.2, which is taken on record. It is stated in the affidavit that the possession of shop No.4, allotted vide allotment letter dated 18.05.2015, was handed over to the petitioner on 19.05.2015. It is also stated therein that pursuant to the request of the petitioner, the Improvement Trust, vide Resolution No.2/206 dated 20.04.2018, has resolved to defer the installments in respect of shop No.6 till complete possession is handed over to the petitioner. The Resolution has been forwarded to Director, Local Government, Punjab for necessary approval in terms of Section 72-E of the Punjab Town Improvement Act, 1922.

4. At this juncture, learned counsel for the petitioner has contended that unauthorized structure which is blocking access to the shop has not been removed by the respondents.

5. Learned counsel for respondent No.2 states that efforts are being made to remove the unauthorized structure in accordance with law.

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6. In view of the above, we are of the considered view that grievance of the petitioner has been redressed to a considerable extent.

7. Therefore, the petition is disposed of with a direction to respondent No.2 to ensure that the unauthorized structure is removed, in accordance with law, within a period of six months, from the date of receipt of certified copy of this order.

(AJAY KUMAR MITTAL)
JUDGE

(ANUPINDER SINGH GREWAL)
JUDGE

24.04.2018

SwarnjitS

Whether speaking/reasoned :	YES/NO
Whether reportable :	YES/NO