

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

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CWP-25352-2017

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Date of Decision: 02.05.2018

BALWINDER SINGH AND ORS.

....Petitioner(s).

Versus

UNION TERRITORY CHANDIGARH AND ORS.

....Respondent(s).

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

Present: Mr. Rahul Kumar Sharma, Advocate for
Mr. Pradeep Sharma, Advocate
for the petitioners.

Mr. Suvir Sehgal, Senior Standing counsel with
Mr. Tarun Walia, Advcoate,
Mr. Akshay Sethi, Advocate and
Mr. Daman Dhir, Advocate
for respondent No.1 and 4-U.T., Chandigarh.

Mr. Arjun Sharma, Advocate
for respondent No.2.

Mr. Parshant Gupta, Advocate for
Mr. Suman Jain, Advocate for respondent No.3.

ANUPINDER SINGH GREWAL, J.

The petitioners have sought quashing of revised site plan being in violation of the brochures issued by respondent No.2 in the year 2001, 2010 and 2016 containing the lay out plan of Sector 51-A as well as Annexure P-6 passed in the year wherein proposed site for construction of flats has been shown as park/ green belt.

2. Some of the petitioners are stated to have been allotted houses in Sector 51 as per draw of lots while other petitioners had applied in the bidding process and had purchased

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the flats at a higher rate than the reserved price fixed by respondent No.2. It is also stated that respondent No.2 is proposing to construct the flats in the area which has been marked as park/green belt in the lay out plan of Sector 51-A, Chandigarh.

3. Learned counsel for the petitioners has contended that respondent No.2-Chandigarh Housing Board cannot be allowed to construct flats on the area which is meant for park/green belt in the master plan.

4. Learned counsel appearing for respondent No.2 has contended that the area, over which 200 flats as described in the lay out plan, provided in the brochure for the year 2016, is being constructed, does not fall in the green belt/park.

5. We have heard learned counsel for the parties.

6. It is stated by the respondents in the reply that the lay out plan of the blocks in the three schemes of the year 2001, 2010 and 2003 is the same and respondent No.2 is not constructing any flat in the green space/park area and the green space/park area remains the same as it had been provided in the Housing Scheme for the years 2001, 2010 and 2016. It is also stated that the petition deserves to be dismissed as it has been filed merely on the apprehension of the petitioners which is unfounded.

7. In view of the reply filed by respondent No.2, wherein it is mentioned that the flats are not being constructed on the area meant for green space/park, we do not intend to issue any directions in the instant petition, which stands disposed of.

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However, the petitioners shall be at liberty to prefer an application for revival of this petition, in case respondent No.2 constructs the flats on the green belt/park.

(AJAY KUMAR MITTAL)
JUDGE

(ANUPINDER SINGH GREWAL)
JUDGE

02.05.2018

SwarnjitS

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