

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Civil Writ Petition No.24488 of 2018.

Date of Decision: September 25, 2018

Vijay Gupta

.....Petitioner

versus

The State of Punjab and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT.

HON'BLE MR.JUSTICE SUDIP AHLUWALIA.

Present: Mr.Vikas Garg, Advocate, for the petitioner.

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Surya Kant, J. (Oral)

The petitioners have been burdened with non-construction fee by the Improvement Trust, Patiala vide order dated 17.05.2017 (P-7) which is based upon the report dated 24.04.2017 (P-6). It was found that the petitioner did not raise construction within the stipulated period due to which the non-construction fee is leviable. On the other hand, the case of the petitioner is that since development works were not completed, it was not possible for him to raise construction for want of basic amenities. The petitioner relies upon the provisions of Punjab Town Improvement (Utilization of Land and Allotment of Plots) Rules, 2005 notified by the Government of Punjab, Department of Local Government. The petitioner also alleges discrimination as according to him, non-construction charges have been waived off in the case of similarly placed allottees of Plot Nos.74 and 117 in Development Scheme of Narindra Enclave (P-9).

Since it is not discernible from the record that the resolution dated 22.09.2016 (P-9) on the basis of which the petitioner alleges discrimination, was approved by the State Government being the Competent Authority, the writ petition is disposed of at this stage with liberty to the

petitioner to file appeal before the Principal Secretary, Local Government Department within one month from today, who in turn, shall call for the records and determine the issues, namely, (i) whether the petitioner is liable to pay non-construction fee even if the development works were incomplete; (ii) whether the non-construction fee has been levied on the petitioner contrary to the provisions of 2005 Rules; (iii) whether the petitioner has been subjected to discrimination in the matter of levy of non-construction fee which is alleged to have been waived off in the case of similarly placed allottees (P-9).

The Competent Authority shall determine these questions within a period of four months from the date of filing the appeal. It shall be appreciated if the representatives of the parties are heard before deciding the appeal.

Dasti.

[SURYA KANT]
JUDGE

September 25, 2018
mohinder

(SUDIP AHLUWALIA)
JUDGE

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