

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

LPA No.2443 of 2016 (O&M)

Date of Decision: 24.09.2018

Chopra Malhotra & Associates & Ors.

...Appellants

VS.

State of Punjab & Ors.

... Respondents

**Coram : Hon'ble Mr.Justice Surya Kant
Hon'ble Mr.Justice Sudip Ahluwalia**

Present: Mr. Vishal Sharma, Advocate for the appellants

Mr. Rajesh Bhardwaj, Sr.DAG Punjab

Mr. HK Aurora, Advocate for MC Jalandhar and
Mr. Sanjeev Kumar, Draftsman, MC Jalandhar

SURYA KANT J. (Oral)

(1) This Letters Patent Appeal is directed against the order dated 07.11.2016 of learned Single Judge whereby appellant's writ petition in which they assailed the orders passed by Senior Town Planner, Jalandhar as well as the Additional District Judge, Jalandhar, ordering the demolition of construction raised by them without getting the building plans sanctioned, has been dismissed.

(2) It appears that the demolition drive was initiated against unauthorized constructions by the Municipal Corporation, Jalandhar in compliance to the directions issued by this Court in PIL jurisdiction and therefore no fault can be *per se* found with the impugned action except that the appellants allege pick and choose in taking such action.

(3) Be that as it may, it is not necessary for this Court to go into the merits of this case for the reason that according to learned counsel for the appellants, the non-sanctioning of the building plans is a compoundable

irregularity and the Municipal Corporation, Jalandhar has now passed resolution for approving their building plans which has been forwarded to the competent authority for necessary approval. In the light of these subsequent events, the appeal is allowed in part, the order dated 07.11.2016 of learned Single Judge is set aside and the writ petition is disposed of with a direction that in case the Municipal Corporation, Jalandhar has recommended to approve the building plans of the appellants, let the competent authority take its final decision within a period of three months from the date of receipt of certified copy of this order, keeping in view the specific stand taken before us that non-sanctioning of the building plans is allegedly a compoundable illegality/irregularity only. Till such decision is taken, both the parties are directed to maintain *status quo*. The final decision shall be conveyed to the appellants by way of reasoned order.

(4) The amount deposited with the Registrar Judicial in terms of the order dated 02.02.2017 may be forwarded to Municipal Corporation, Jalandhar to appropriate the same towards the charges or penalty, which may be leviable on the appellants.

(Surya Kant)
Judge

24.09.2018
vishal shonkar

(Sudip Ahluwalia)
Judge

1. *Whether speaking/reasoned?*
2. *Whether reportable?*

Yes/No
Yes/No