

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

CWP No. 1522 of 2017.

Date of Decision: 05.02.2019.

Senior Citizen's Council (Registered) M.C. Enclave

... Petitioner

Versus

State of Punjab and others

... Respondents

CORAM : Hon'ble Mr. Justice Jitendra Chauhan

Present : Mr. Karminder Singh, Advocate,
for the petitioner.

Ms. Maloo Chahal, DAG Punjab.

Mr. Kwardeep Singh, Advocate for
Mr. S.S. Narula, Advocate,
for respondent No.3.

JITENDRA CHAUHAN.J.(ORAL)

The petitioner seeks quashing of order dated 24.11.2015 (Annexure P-19) vide which the claim of the petitioner to hand over the possession of the building in question and its keys to the petitioner-Senior Citizen's council has been rejected without taking into consideration the mandate of law.

Learned counsel for the petitioner contends that compliance of the directions dated 06.05.2015 passed in CWP No.8844 of 2015 have not been made in letter and spirit as the petitioner was heard by the then Secretary Sh. Ashok Gupta. However, no order was passed by the said officer who superannuated in the meantime. The order was passed by the new incumbent Secretary Sh. Vikas Partap without affording an opportunity of hearing to the petitioner.

In view of the above, without adverting to the merits of the case, the present petition is disposed of with a direction to respondent No.1-Secretary, Local Bodies Department, Chandigarh to afford an effective opportunity of hearing to the petitioner and take a final view in the matter within eight weeks from the receipt of the certified copy of the judgment. The respondent No.1 shall indicate the date for appearance to the petitioner a week prior to the date of interaction. In case, on consideration, the competent authority reaches to the conclusion that the benefit claimed by the petitioner is admissible to it, in such eventuality, the consequential relief be allowed to it, within a period of six weeks thereafter. However, in case the competent authority feels that the relief claimed by the petitioner is not admissible or made out, in that case, a speaking order be passed in the matter.

In the meantime, status quo with regard to status of the building in question will be maintained, as noticed in the order dated 06.05.2015 passed in CWP-8844-2015.

05.02.2019.
SN

(JITENDRA CHAUHAN)
JUDGE

Whether speaking/reasoned :	Yes/No
Whether reportable :	Yes/No