

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH****Date of decision: 19.09.2019****CWP No.25065 of 2016**

The Estate Officer, UT, Chandigarh

...Petitioner

Vs.

Kapil Dev & others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINAPresent: Mr. Vikas Chatrath and Ms. Shubhreet Kaur, Advocates,
for the petitioner.

None for the respondents.

RAJIV NARAIN RAINA, J. (ORAL)

At the very outset, Mr. Vikas Chatrath points out that though he is appearing on behalf of the petitioners, but in the appearances recorded in some of the previous interim orders, his presence has been wrongly marked as counsel for respondent No.3.

In the circumstances, in the interim orders, Mr. Vikas Chatrath's presence be read on behalf of the petitioner.

As per office note dated 17.07.2017, service on the respondents is complete. Respondent No.1 against whom the action has been sought in the light of the orders of the Permanent Lok Adalat, is proceeded against ex parte as no one appears on his behalf nor he does so personally.

On merits, learned counsel for the petitioner places reliance on the decision of this Court rendered in CWP No.15419 of 2011 (O&M) titled 'UT of Chandigarh Vs. permanent Lok Adalat (Public Utility Services) & another' on 26.04.2017 involving a common question of law and fact.

A perusal of the judgment shows that respondent No.1 has alternative remedy available in appeal before the Chief Executive Officer, Chandigarh Housing Board and that the Permanent Lok Adalat has no jurisdiction to intercede in the matter and grant relief to the respondent.

Thus, applying the principle of non-traverse and accepting the plea of the UT Chandigarh against the order of the Permanent Lok Adalat, (Public Utility Services), UT Chandigarh, the writ petition is allowed and the impugned order is quashed.

Respondent No.1 may avail his alternative statutory remedy, as is available to him, subject to the limitations precluded by law.

19.09.2019
Vimal

[RAJIV NARAIN RAINA]
JUDGE

Whether speaking/reasoned:
Whether Reportable:

Yes
Yes/No