

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP No. 23547 of 2019

Date of Decision: August 30, 2019

Resident's Welfare Society (Regd.) HIG Cat 1 Flats,. Sector 39-B, Chandigarh

.....Petitioner

versus

U.T. Administration and another

.....Respondents

**CORAM: HON'BLE MRS. JUSTICE DAYA CHAUDHARY.
HON'BLE MR. JUSTICE SUDHIR MITTAL.**

Present: Mr. Akshay Bhan, Sr. Advocate with
Mr. Gurinder Singh, Advocate
for the petitioner

DAYA CHAUDHARY, J. (ORAL)

Prayer in the present petition is for issuance of writ in the nature of mandamus directing the respondents to implement the policy/order dated 15.02.2019 (Annexure P-9).

Learned senior counsel for the petitioner submits that the construction which has been raised is as per the need based changes and the respondent – authorities are taking action for demolition of the construction raised by the petitioner-Society. Learned counsel also submits that the petitioner-Society would be satisfied in case directions are issued by this Court to the respondents to treat its petition as representation and take necessary action thereupon in accordance with law.

Notice of motion.

Notice on behalf of respondent No. 1 has been accepted by

Mr. Anil Sharma, Addl. Govt. Pleader, U.T. Chandigarh. Notice on behalf of

respondent No. 2 has been accepted by Mr. Arjun Sharma, Advocate. Let copies of the petition be supplied to learned counsel for the respondents during course of the day.

Learned counsel for the respondents have no objection in case the present writ petition is treated as representation but strictly in view of the policy.

Keeping in view the limited prayer, the present petition is disposed of with direction to respondent No. 2 to take action by treating this petition as representation in accordance with law especially in view of the policy which has been framed by Chandigarh Housing Board within a period of one week from the date of receipt of certified copy of this order. In case presence of the petitioner is required for clarification of any document, an opportunity of hearing be given to authorized representative of the petitioner-Society. Till the decision is taken on the representation, no coercive action be taken. If case of the petitioner-Society is not covered by the policy, speaking order be passed.

Copy of the order be given to counsel for the parties under signature of the Bench Secretary.

(DAYA CHAUDHARY)
JUDGE

(SUDHIR MITTAL)
JUDGE

August 30, 2019
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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No