

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

CWP No. 25562 of 2019

Date of decision : 12.09.2019

Kulwant Singh and others

.....Petitioners

Versus

State of Punjab and others

...Respondents

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

Present : Mr. Ashok Giri, Advocate for the petitioners.

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DAYA CHAUDHARY, J. (Oral)

Learned counsel for the petitioners submits that the alleged construction is purely a residential and not used for any commercial purpose. It has been carried out in view of the provisions of the relevant Act applicable. Learned counsel further submits that the petitioners have moved an application seeking permission under Section 6 of the Punjab New Capital Periphery Control Act, 1952 to remove the structure, which is still pending and the same has not been decided so far. Learned counsel also submits the impugned notices have been sent without taking any action on the pending application.

By considering the submissions made by learned counsel for the petitioners and also keeping in view the fact that the application moved by the petitioners is still pending before the Additional Chief Administrator-

cum-Competent Authority-cum- Deputy Commissioner, SAS Nagar (respondent No.3), this petition is disposed of with a direction to respondent No.3 to take action on the pending application in accordance with law and relevant provisions within the prescribed period *i.e.* 60 days as provided. In case presence of the petitioners is required, they be given opportunity of hearing.

Meanwhile, till the decision is taken by the competent authority on the pending application, no coercive method shall be taken.

In case the petitioners are still aggrieved by the act of the respondent-authority in any manner, they are at liberty to avail the appropriate remedy.

**(DAYA CHAUDHARY)
JUDGE**

Dated : 12.09.2019
sunil yadav

**(SUDHIR MITTAL)
JUDGE**

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No