

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH**CWP No. 26986 of 2019****Date of Decision: September 20, 2019**

Sanjeev Kumar Sharma

.....Petitioner

versus

U.T. Chandigarh and others

.....Respondents

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

Present: Mr. Ashok Bhardwaj, Advocate
for the petitioner

DAYA CHAUDHARY, J. (ORAL)

The petitioner is aggrieved by the directions issued by the revisional authority to the extent that a short period has been given i.e. upto 30.09.2019 for removal of the illegal construction and that the site will be inspected by the Sub Divisional Officer in the first week of October, 2019 and in case the violations are found at the spot, the same would be removed and appropriate action would be taken as per law.

As per submissions made by learned counsel for the petitioner some of violations are compoundable and he is ready to deposit the amount of compounding fee. He further states that the petitioner is entitled for retaining some of the construction by considering the permitted need based changes as provided vide circular dated 15.02.2019 issued by respondent-Board. Learned counsel also submits that a short period is there and he would not be in a position to remove the illegal construction.

Notice of motion.

Notice on behalf of the respondents has been accepted by Ms. Geeta Sharma, Advocate.

Learned counsel for the respondent-Board submits that in case the petitioner moves a representation by mentioning the submissions as made before this Court, the same would be considered.

Keeping in view the submissions made by learned counsel for the petitioner as well as respondents, the present petition is disposed of with a direction to the petitioner to move a representation within a period of one week from the date of receipt of copy of the order passed by this Court. In case such a representation is moved within said period, the respondent-Chandigarh Housing Board is directed to consider the same by taking into consideration the policy applicable as well as action taken in case of other similarly situated persons within a period of two weeks thereafter. Meanwhile, the petitioner is also at liberty to pay the compounding fee, if pointed out by the respondent-Board. Till the decision of the representation no coercive method be taken against the petitioner.

(DAYA CHAUDHARY)
JUDGE

(SUDHIR MITTAL)
JUDGE

September 20, 2019
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