

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

**CWP-34748-2019 (O&M)
Date of Decision:02.12.2019**

Rajesh Malik

... Petitioner

Versus

Deputy Commissioner & others

... Respondents

CORAM:- HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. Vishal Aggarwal, Advocate for the petitioner.

Ms. Kanica Sachdeva, AAG, Punjab.

Mr. A.S. Manaise, Advocate for respondent No.5.

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TEJINDER SINGH DHINDSA, J. (ORAL)

Mr. A.S. Manaise, Advocate, who is present in Court has entered appearance on behalf of contesting private respondent No.5 and has even filed his Power of Attorney.

Pleadings on record would indicate that the petitioner herein has preferred an appeal under Section 33 (2) of the Punjab Apartment Ownership Act, 1995 against the orders dated 27.02.2019 and 10.05.2019 passed by the Sub Divisional Magistrate, Kharar and in terms of which the petitioner herein was removed from the post of President of the Jal Wayu Towers, Mohali Apartment Owners Association, Sunny Enclave, Sector-125, SAS Nagar, Mohali and a Receiver had been appointed.

The short grievance raised in the instant petition is that the appeal that has been preferred before the Appellate Authority/Additional Chief Secretary, GMADA, SAS Nagar, Mohali is not being adjudicated upon and in the meantime fresh elections have been announced and which are slated for 08.12.2019.

Counsel has confined the scope of the instant petition for issuance of directions to the Appellate Authority to decide the appeal on merits in a time bound frame.

Learned State counsel upon instructions from Sh. Rajesh Dhiman, Additional Chief Administrator, GMADA, Mohali informs the Court that the Appellate Authority would be available to conduct proceedings on 04.12.2019 and in case the parties duly put in appearance, the matter would be heard.

04.12.2019 as indicated by learned State counsel is suitable both to the petitioner as also to respondent No.5 and as has been stated by their respective counsels.

In view of the above and without opining on the merits of the case, the writ petition is disposed of with a direction to the Additional Chief Secretary, GMADA, SAS Nagar, Mohali to take up the appeal preferred by the petitioner herein at Annexure P-5 on 04.12.2019 and to take a final decision thereupon after hearing the parties concerned and in accordance with law. Final decision be pronounced prior to 08.12.2019.

As per undertaking recorded of Mr. Vishal Aggarwal, Advocate as also Mr. Manaise, Advocate, parties would duly appear before the Appropriate Authority on 04.12.2019 at 10:30 A.M..

Writ petition is disposed of.

02.12.2019

harjeet

**(TEJINDER SINGH DHINDSA)
JUDGE**

i) Whether speaking/reasoned? Yes/No

ii) Whether reportable? Yes/No