

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-6431-2020 (O&M)
Date of decision: 24.09.2020

M/s Prakash Parcel Services Pvt. Ltd.

... Petitioner

Vs.

Commissioner, Municipal Corporation, Ludhiana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. S.K. Verma, Advocate
for the petitioner.

Mr. A.K. Bazaz, Advocate
for respondents No.1 & 2.

Mr. Ravi Ghakhar, Advocate for
Mr. Gurpreet Jayia, Advocate
for respondent No.4.

ARVIND SINGH SANGWAN, J. (ORAL)

Learned counsel for respondents No.1 & 2 has submitted that in compliance of the order dated 06.08.2020, the building has been de-sealed on 11.09.2020 and the petitioner is permitted to remove his luggage and make necessary repair.

Learned counsel for the petitioner and learned counsel for respondent No.4-owner are loggerheads regarding condition of the building.

Learned counsel for the petitioner submits that the tenancy is in existence for the last 25 years.

Learned counsel for respondent No.4 has, however, submitted that

the petitioner is not maintaining the building, which has led to its dilapidation. It is further submitted that in fact, half portion of the building is in possession of respondent No.4-owner and he is also working in the same premises.

Learned counsel for respondents No.1 & 2 has further submitted that after the building was de-sealed, neither the petitioner-tenant nor owner-respondent No.4 has taken any initiative for repair of the same.

In reply, learned counsel for the petitioner has submitted that the petitioner has already approached the municipal authorities to grant permission to carry out the repair, but till date, no permission has been granted.

However, this fact is refuted by learned counsel for respondents No.1 & 2.

After hearing learned counsel for the parties, it would be appropriate that a Local Commissioner, having adequate technical knowledge, be appointed, allowing the petitioner to carry out the repair, as per the guidelines of the Municipal Corporation.

Accordingly, this petition is disposed of with the following directions: -

- (a) Learned District and Sessions Judge, Ludhiana will appoint a Local Commissioner, who should be a retired Civil/Structural Engineer from any department like PWD, within a period of 15 days from today, whose fees will be assessed as Rs.50,000/-, to be born by the petitioner and respondent No.4 in equal share.
- (b) Since the petitioner is tenant for the last more than 25 years, it will be for him to bear all the expenses for the repair to the satisfaction of the Local Commissioner.

- (c) The amount so incurred by the petitioner will not be deducted from the rent as the petitioner is an old tenant and is required to maintain the building in a habitable condition.
- (d) The petitioner will carry out the repair of the portion, which is in his possession.
- (e) The cost of repair qua the portion, which is in possession of respondent No.4-owner will be born by him.
- (e) The petitioner will allow the officials of Municipal Corporation as well as respondent No.4-owner to inspect the premises during the period, when it is under repair.
- (f) The petitioner will undertake the repair within a period of two months from the date, when a Local Commissioner is appointed by the learned District & Sessions Judge, Ludhiana.

[ARVIND SINGH SANGWAN]
JUDGE

24.09.2020
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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No