

CWP-11397-2021

Date of Decision: 30.06.2021

AJAY MAJITHIA

... PETITIONER

VS.

CHANDIGARH ADMINISTRATION AND ORS.. RESPONDENTS

**CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA
HON'BLE MR. JUSTICE VIVEK PURI**

Present : Mr. Shyam Divan, Senior Advocate with
Mr. Sudipto Sircar, Advocate
Mr. Anand Sanjay Nuli, Advocate and
Mr. Sylvester Stephen, Advocate
for the petitioner.

TEJINDER SINGH DHINDSA , J.(ORAL)

This case has been taken up through Video Conferencing via Webex facility in the light of the Pandemic Covid-19 situation and as per instructions.

The petitioner claims to be a co-sharer to the extent of 25% in plot bearing No. 46, Sector 9-A, Chandigarh.

The challenge in the instant petition is to a communication dated 13.10.2020 (Annexure P-13) from the office of Estate Officer, U.T.Chandigarh and addressed to the petitioner conveying the decision that the Estate Office, U.T.Chandigarh would sanction the revised building plan submitted by co-owner without insisting for a NOC to be signed by all other co-owner(s).

During the course of hearing, learned Senior counsel representing the petitioner would admit that such impugned communication vide memo dated 13.10.2020 (Annexure P-13) is based on a notification dated 20.11.2014 (Annexure P-14) issued by the Chandigarh Administration, Finance-1 (Estate Branch).

Perusal of such notification dated 20.11.2014 (Annexure P-14) would reveal that cases pertaining to sanction of building plan has a bearing with regard to plan of building conforming to the Building Rules/Byelaws and does not decide the rights of co-owner(s). Furthermore, a copy of the building plan so passed/sanctioned can be supplied to all other co-owners, if so desired enabling them to raise the issue in a Court of law if they have any objection to the construction/renovation of the building in pursuance to the revised building plan so approved.

At this stage, learned Senior counsel representing the petitioner would advert to a representation placed on record at Annexure P-15, wherein it has been stated that the petitioner as a co-owner was entitled to receive the sanctioned building plan so as to take recourse to legal remedy as may have been available but even such opportunity has been denied, inasmuch as the copy of sanctioned building plan pertaining to the plot has not been supplied.

Notice of motion to such limited aspect confined to respondents No. 1, 2 and 5 only.

Mr. Namit Kumar, Advocate, joins proceedings and accepts notice on behalf of respondents No. 1, 2 and 5.

Counsel representing respondents No. 1, 2 and 5 makes a statement that in case revised building plan stands sanctioned pertaining to plot No.46, Sector 9-A, Chandigarh, a copy thereof would be duly supplied to the petitioner.

Statement is accepted.

No further directions are required to be passed in this writ petition.

Disposed of.

Needless to observe that upon receipt of the revised sanctioned building plan (if any), it would be always open for the petitioner to avail of his remedy, if so advised and in accordance with law

(TEJINDER SINGH DHINDSA)
JUDGE

(VIVEK PURI)
JUDGE

30.06.2021
smriti

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No