

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

103

CWP-18608-2020 (O&M)

Date of decision: 26.07.2021

INDERJIT JAIN

...Petitioner

Versus

STATE OF PUNJAB AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present : Mr. Lupil Gupta, Advocate for the petitioner.

Ms. Kanika Sachdeva, AAG, Punjab.

Mr. TVS Lehal, Advocate for respondent No.3.

Mr. Yogesh Goel, Advocate and
Mr. Harsh Jain, Advocate for respondent No.4.

ANIL KSHETARPAL, J. (Oral)

The hearing of the case was held through video conferencing on account of restricted functioning of the Courts.

The petitioner is alleged to have constructed a building on Plot No.112/12, Ward No.10, Jain Mohalla, Patti, District Tarn Taran, in violation of the building plan. Thereafter, the Municipal Council, Patti, has resolved to demolish the aforesaid building.

After issuing the notice of motion, Municipal Council-respondent No.3 has submitted a reply on the official e-mail of the Court. It has been pointed out that the petitioner has taken certain steps to bring the

building in conformity with the building plan. It has been further submitted

by Mr. TVS Lehal, Advocate, that Municipal Council is prepared to reconsider the matter if the petitioner submits a revised building plan. He assures the Court that if, the existing violations are compoundable or can be regularized in accordance with the building By-laws, the Municipal Council shall take a decision in accordance with law.

This Bench while deciding **CWP No.36932 of 2019 (O&M)** titled as **Devender Kumar Vs. State of Haryana and others**, on 16.12.2020, has already held that Local Bodies/Municipal Councils, Committees and Corporations should adopt a pragmatic approach in such cases. If the building violations are not on a public land or in other words there is no encroachment, sincere efforts must be made to compound the violations, if permissible. Failing which only that part of the building should be demolished which is not compoundable or is not permissible.

Keeping in view the aforesaid facts, the writ petition is disposed of by permitting the petitioner to submit a revised building plan after raising the building in conformity with the building By-laws. If such building plan is submitted within a period of one month from today, the same shall be considered by the Municipal Council-respondent No.3, with an open mind, in accordance with law, within a period of next one month.

Mr. Rajiv Kumar-respondent No.4 shall also be granted an opportunity to present his case before passing a final order.

All the pending miscellaneous applications, if any, are also disposed of.

26.07.2021

ashok

(ANIL KSHETARPAL)

JUDGE

Whether speaking/reasoned:

Whether reportable:

Yes / No

Yes / No