

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

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Letter Patents Appeal No.1168 of 2021 (O&M)
Date of Decision: December 7th, 2021

Anil Goyal and others

...Appellants

Versus

The Commissioner, Municipal Corporation, Ludhiana and others

...Respondents

**CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH
HON'BLE MR. JUSTICE SANDEEP MOUDGIL**

Present: Mr. Aayush Gupta, Advocate
for the applicants-appellants.

Ms. Monica Chhibber Sharma, Sr. Deputy Advocate General,
Punjab.

AUGUSTINE GEORGE MASIH, J. (ORAL)

CM No.2725-LPA of 2021

Prayer in this application is for condonation of delay of 4 days
in filing the appeal.

Considering the submissions made in the present application,
delay of 4 days in filing the appeal stands condoned.

LPA No.1168 of 2021

Challenge in this appeal is to the order dated 12.10.2021 passed
by the learned Single Judge, whereby the writ petition preferred by the
appellants has been disposed of in the light of the fact that the town
development plan and the records of the District Level Planning Committee
have not been placed on record. Nothing has been shown to indicate that the
area was reserved exclusively for residential buildings. The learned
Single Judge has also and rightly so come to the conclusion that there is
every likelihood of disputed question of facts being involved which requires
evidence to be led. The writ petition has not been dismissed, rather the same

has been disposed of by relegating the appellants to the alternative remedy.

Learned counsel for the appellants submits that they have no alternative remedy available to them and, therefore, the appellants had approached this Court by way of the writ petition.

This contention of learned counsel for the appellants is totally devoid of any merit. There is statutory remedy as well as the remedy available elsewhere, which we would not like to specify in the present appeal as we do not want to curtail the right of exercising discretion by the appellants.

The appeal, therefore, being devoid of merit stands dismissed.

In the light of the dismissal of the appeal, CM No.2726-LPA of 2021 stands disposed of as infructuous.

(AUGUSTINE GEORGE MASIH)
JUDGE

December 7th, 2021
Puneet

(SANDEEP MOUDGIL)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No