

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

**CWP-25281-2021 (O&M)
Date of Decision:14.12.2021**

Ajay Grover & others

... Petitioners

Versus

U.T. Chandigarh & others

... Respondents

**CORAM:- HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA.
HON'BLE MR. JUSTICE VINOD S. BHARDWAJ.**

Present:- Mr. Jitender Dhanda, Advocate for the petitioners.

...

TEJINDER SINGH DHINDSA, J. (ORAL).

Challenge in the instant petition is to Memo dated 27.07.2021 (Annexure P-1) issued by the Sub Divisional Engineer, Road Sub Division No.8, M.C. Chandigarh on the subject of illegal opening in the Boundary Wall of the Modern Housing Complex.

Counsel submits that the petitioners are residents of the Duplex House Nos.5853 to 5860 and 5865 to 5870, Modern Housing complex, Manimajra. A chunk of land is lying vacant and unused behind the houses of the petitioners and on account of non-maintenance of such area, the same has become a breeding house for wild animals. Further submitted that it is only to ensure the safety of the residents of the area that the petitioners have opened a small gate in their back wall so as to facilitate maintaining such open space. In a nutshell, case projected is that such opening in the rear boundary wall is need based.

We have heard counsel for the petitioners at length and have perused the pleadings on record.

In the impugned Memo, there is a specific recital that the opening which had done in the boundary wall of the Modern Housing Complex, is not permitted as per approved drawing plan.

Counsel during the course of hearing has not addressed submissions in such regard. Rather on a specific query having been put, it has been conceded that the opening done in the boundary wall of the Modern Housing Complex towards backside of the residence of the petitioners is not permitted and infact no permission had even been sought from the competent authority in such regard.

Under such circumstances, there would be no occasion for this Court to intervene. Acceptance of a prayer of the kind raised in the instant petition would tantamount to leading legitimacy to an authorized construction activity. Same is impermissible in law.

Dismissed.

(TEJINDER SINGH DHINDSA)
JUDGE

(VINOD S. BHARDWAJ)
JUDGE

14.12.2021

harjeet

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| 1. Whether speaking/reasoned? | Yes/No |
| 2. Whether reportable? | Yes/No |