

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH.

115

CWP No.722 of 2022

Date of Decision: 01.02.2022

Nirmal Chhaya Flat Owners Welfare Society and others

....Petitioners

Versus

State of Punjab and others

....Respondents

**CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA
HON'BLE MR. JUSTICE LALIT BATRA**

Present: Mr. Pavan Malik, Advocate for the petitioners.

Tejinder Singh Dhindsa, J.(Oral)

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

Challenge in the instant petition is to order dated 22.04.2021 (Annexure P-16) passed by the Sub Divisional Magistrate, Dera Bassi, District S.A.S. Nagar, pursuant to proceedings under the provisions of The Punjab Apartment Ownership Act, 1995 (hereinafter to be referred as '1995 Act') and the rules framed thereunder.

At the very outset, a query was put to counsel as to whether against the impugned order passed by the Sub Divisional Magistrate, there would be any statutory remedy available.

Response is in the affirmative.

Mr. Pavan Malik, Advocate, concedes that a remedy of appeal is available under Section 33 of the 1995 Act itself.

In view of above, we are not inclined to examine the legality and validity of the impugned order.

Without opining on merits of the case, writ petition is disposed of in terms of granting liberty to the petitioner(s) to avail of their statutory remedy of appeal by raising all grounds as may be available as per law.

Petition disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

(LALIT BATRA)
JUDGE

01.02.2022
D.gulati

Whether speaking/ reasoned : Yes/ No

Whether Reportable : Yes/ No