

CWP No. 2752-2022

Date of Decision: 05.04.2022

M/s Rangi Associates Pvt. Ltd.

.....Petitioner

Vs.

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH
HON'BLR MR. JUSTICE LALIT BATRAPresent: Ms. Shelly Arora, Advocate, for the petitioner.
Mr. Pankaj Gupta, Addl. A.G., Punjab.

AMOL RATTAN SINGH, J. (ORAL)

The petitioner seeks issuance of a writ in the nature of '*certiorari*' setting aside the order dated 22.09.2021 (copy Annexure P-1), passed by the Director Local Government, Punjab, whereby the appeal filed by the petitioner against the order passed by respondent no. 2 herein, i.e. the Deputy Director, Urban Local Bodies, Ludhiana (copy Annexure P-5), has been illegally and arbitrarily dismissed without assigning any proper reasons and explanation whatsoever (as alleged).

On 14.02.2022, the following order had been passed by this court:-

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

Counsel seeks time to place on record documents/material so as to demonstrate his assertion that the conditions bearing No.1, 19, 20 and 30 of the license granted in favour of the petitioner for purpose of development of a colony had been meticulously complied with. Apart from documents, such assertion should also come forth by way of an affidavit of the authorized representative of the petitioner/firm.

List on 31.03.2022.”

Thereafter, on 31.03.2022, counsel for the petitioner had sought an adjournment with her today appearing and submitting that the petitioner may be allowed to withdraw this petition to file a similar one on the same cause of action after obtaining all material as is necessary.

However, learned counsel appearing for the respondents (on an advance copy of the petition having been received by him), submits that the impugned order dated 22.09.2021 has been passed by the Director, Local Government, Punjab, is in an appeal filed before that court challenging the order dated 05.06.2015 passed by the Deputy Director Urban Local Bodies, Ludhiana.

He submits that the order Annexure P-1 (dated 22.09.2021), is revisable by the Government in terms of the provisions of Section 34 of the Punjab Apartment and Property Regulation Act, 1995.

Consequently, while allowing the petitioner to withdraw this petition, it is directed that if the petitioner is aggrieved in any manner of the order of the Director Local Government, it would first avail of its remedy under the provisions of Section 34 of the aforesaid Act and only thereafter, if any of the parties is aggrieved of that order, obviously they would be at liberty to avail of all their legal remedies.

(AMOL RATTAN SINGH)
JUDGE

April 05, 2022
nitin

(LALIT BATRA)
JUDGE