

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

CWP-3456-2022

Date of Decision: 18.01.2023.

INDIAN RAILWAY WELFARE ORGANISATION

...Petitioner

VS

STATE OF PUNJAB AND OTHERS

...Respondents

**CORAM:- HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH
HON'BLE MR. JUSTICE VIKRAM AGGARWAL**

Present: Mr. Aditya Jain, Advocate and
Mr. Rahul Vohra, Advocate and
Mr. Vinay Gupta, Advocate
for the petitioner.

Mr. V.G. Jauhar, Additional A.G, Punjab.

Mr. Baltej Singh Sidhu, Sr. Advocate with
Mr. S.S. Badal, Advocate for respondent No.3.

AUGUSTINE GEORGE MASIH, J. (ORAL)

The petitioner has approached this Court with a grievance that the flats to the extent of 10% of the total i.e. 44 under the EWS category have been constructed by the petitioner but because of the non sanction/approval, the said flats cannot be allotted.

Learned Senior counsel for respondent No.3-Executive Officer, Municipal Council, Zirakpur states that as per the notification dated 24.10.2016 (Annexure P-9), the policy which has been framed by the Government of Punjab in the Schedule, Clause-II thereof requires that the developer/promoter has to exercise one of the three options as have been mentioned therein. In absence of such option having been given by the developer/promoter, the permission cannot be granted.

Learned counsel for the petitioner contends that petitioner would make a detailed comprehensive representation to the Executive Officer, Municipal Council, Zirakpur within a period of 2 weeks from today which may be considered and decided at an early date. Learned counsel for the petitioner has also referred to the request dated 19.03.2020 (Annexure P-32) to contend that the petitioner had already given an option No.1 as per paragraph No.2 of the Schedule but he would again give a representation which can be decided.

Learned Senior counsel for the respondent No.3 submits that if such a representation is made, the same shall be considered and decision taken thereon by the Executive Officer, Municipal Council, Zirakpur within a period of six weeks from the date of submission of such representation.

Writ petition is disposed of accordingly. Counsel for the parties shall remain bound by the statements that have been made by them as recorded above.

(AUGUSTINE GEORGE MASIH)
JUDGE

18.01.2023
priyanka

(VIKRAM AGGARWAL)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No