

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

**RSA-582 of 1989 (O&M)
Date of Order: 09.08.2023**

State of Punjab

.Appellant

Versus

Dashmesh Truck Body Builders

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Sandeep Chopra, DAG, Punjab.

Mr. G.S.Dhaliwal, Advocate, for the respondent.

ANIL KSHETARPAL, J

1. The correctness of the concurrent findings of fact arrived at by the courts below is challenged by the defendant-State in the second appeal.

2. The respondent (plaintiff before the trial court) after purchasing a plot measuring 11 marlas, constructed a building after getting the building plan sanctioned from the Municipal Council, Kharar. The area of the plot falls in two different revenue estates, namely, Mundi Kharar and Desu Majra. After the building was constructed, a notice was issued by the Punjab Government claiming violation of the provisions of the Punjab New Capital (Periphery) Control Act, 1952 (hereinafter referred to as 'the 1952 Act').

3. Both the courts have found that with respect to the area that falls in the revenue estate of Mundi Kharar, the Act of 1952 will not have any application because such area falls within the Municipal Council, Kharar.

4. The learned counsel representing the State of Punjab, on

instructions from Mr. Sachin Gabba, Junior Assistant, Municipal Council, Kharar, admits that the area of Mundi Kharar falls within the Municipal limits of Kharar and therefore, the provisions of the 1952 Act shall not be applicable.

5. In view of the aforesaid facts and discussion, no ground to interfere is made out.
6. Dismissed.
7. All the pending miscellaneous applications, if any, are also disposed of.

August 09, 2023

(ANIL KSHETARPAL)

JUDGE

nt

Whether speaking/reasoned

:YES/NO

Whether reportable

:YES/NO