

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

COCp-793-2023 (O&M)
Date of decision: 27.07.2023

Snehlata Jaswal
.....Petitioner
Versus
Ajit Balajit Joshi & Ors.
.....Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Ms. Amrita Nagpal, Advocate
for the petitioner.

Mr. Deepak Sabherwal, Advocate
for the respondents.

ARVIND SINGH SANGWAN J.

The petitioner alleges violation of the order dated 30.09.2022 passed in CWP No.21912 of 2022, vide which the following directions were issued:-

“The grievance of the petitioner is that an illegal construction is being raised by the owner of adjacent house i.e. #25, Sector 18, Panchkula, which is causing serious damage to the structure of the petitioner's house. In view thereof, the petitioner has submitted a representation addressed to respondent No.3-The Chief Administrator, HSVP.

Without in any way commenting on the merits of the claim of the petitioner, the present petition is disposed of with a direction to respondent No.3 to look into the representation (Annexure P-4) and take necessary action as may be required in accordance with law. The needful be done definitely within a period of two months.”

2023:PHHC:095994

Reply by way of affidavit of the Estate Manager, Housing Board Haryana, on behalf of respondents No.1 to 3 filed in the Court, is taken on record.

As per the order, by passing a speaking order dated 28.11.2022, a Joint Committee of E.O., HSVP, Panchkula, Estate Manager, Housing Board, Panchkula, Executive Engineer, Housing Board and S.D.E. (Survey) O/o Estate Officer, HSVP, Panchkula, was constituted to take necessary action. It is further submitted that thereafter a Structure Engineer was deputed to assess the damage to House No.24, Sector 18, Panchkula, on account of construction abutting to the House No.25, Sector 18, Panchkula, and as per the report submitted by the Surveyor an amount of Rs.2,51,526/- was assessed as damage.

Counsel appearing for respondents No.4 and 5, who are the owner of abutting Plot No.25 and have raised the construction have fairly conceded that they have offered a demand draft of the aforesaid amount to the petitioner but the petitioner has not accepted the same.

Since only a direction was given to the respondent was to dispose of the representation and take action in accordance of law, the official respondents have already taken the necessary action and has assessed the damage to be paid by respondents No.4 and 5 to the petitioner, which is not being accepted.

In view of the above, this petition is disposed of as the necessary compliance has been made and no willful disobedience is made out.

2023:PHHC:095994

However, the respondents No.4 and 5 are directed to deposit the aforesaid amount of Rs.2,51,526/- with the Estate Manager, Housing Board, Haryana, Panchkula, within a period of 30 days from today and it will be open for the petitioner to withdraw the same, if so required.

(ARVIND SINGH SANGWAN)
JUDGE

27.07.2023
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No