

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

CWP No.7680 of 2023 (O&M)

Date of Decision: 17.04.2023

SG Enclave Phase-I, Resident Welfare Society (Registered) **Petitioner**

V/s.

State of Punjab and Others**Respondents**

CORAM: **HON'BLE MR. AUGUSTINE GEORGE MASI**
HON'BLE MR. HARPREET SINGH BRAR

Present: Mr. Ajay Kalra, Advocate
for the petitioner.

Augustine George Masih, J. (Oral)

The petitioner has approached this Court with a grievance that respondent No.7- Sharma and Gangahar Builders and Colonizers Private Limited, Amritsar, has not complied with terms and conditions of the licence dated 24.08.2004 (Annexure P-3) and in particular Clause(s) IV, XXI & XXII whereby the Promoter was under obligation to transfer free of cost non-saleable open space like roads, parks etc. in favour of the Government of Punjab in terms of provisions of Punjab Apartment and Property Regulation Act, 1995.

The petitioner has been approaching the official respondents but without any result, including serving of legal notices dated 07.02.2023 and 14.02.2023 (Annexure P-10) to the respondents. These legal notices have also not been responded to till date. Learned counsel has further contended that although in pursuance to the legal notices, the petitioner-Association was called for personal hearing by the Chief Administrator, Amritsar Development Authority, Amritsar on 09.03.2023 (Annexure P-11) and interaction had taken place on 22.03.2023 but no decision on the legal notices have been taken, nor has any action been taken in pursuance to the legal notices.

Learned counsel contends that the petitioner would be satisfied in case a direction to consider and decide the legal notices dated 07.02.2023 and 14.02.2023 within some specified time, be given to the respondents.

Notice of motion.

Mr. V.G. Jauhar, Addl. A.G. Punjab, accepts notice on behalf of the respondent(s)-State.

Without going into the merits of the case or commenting thereon, the present writ petition is disposed of with a direction to Amritsar Development Authority, Amritsar (respondent No.5) and Regional Director, Department of Local Bodies, Amritsar (respondent No.6) to consider and decide the legal notices dated 07.02.2023 and 14.02.2023 (Annexure P-10), within a period of two months from the date of receipt of certified copy of this order.

The decision so taken, be conveyed to the petitioner forthwith.

It is made clear that in case, the clause(s) as having been highlighted by the petitioner in the legal notices (Annexure P-10) are found to be correct, consequential action be initiated against respondent No.7.

It goes without saying that respondent No.7 shall also be associated by the aforementioned respondent Nos.5 and 6 before taking a final decision on legal notices served by the petitioner.

(AUGUSTINE GEROGE MASIH)
JUDGE

17th April, 2023
Sonia Puri

(HARPREET SINGH BRAR)
JUDGE

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