

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

114

LPA-389-2023

Date of Decision: 13.04.2023

Amritsar Improvement Trust

....Appellant.

Versus

Arman Josan and others

...Respondents.

**CORAM: HON'BLE MR. JUSTICE M.S. RAMACHANDRA RAO
HON'BLE MRS. JUSTICE SUKHVINDER KAUR**

.....

Present: Mr. R.S. Khosla, Sr. Advocate with
Ms. Bhavti Pujara, Advocate for the appellant.

M.S. RAMACHANDRA RAO, J. (Oral)

Notice of motion.

Mr. Chetan Mittal, Sr. Advocate assisted by Mr. Kunal Mulwani, Advocate and Ms. Sehy Sandhawalia, Advocate accept notice on behalf of respondents No.1 and 2.

The instant LPA has been preferred against the interim order dt.01.03.2023 passed in CWP-4269-2023 by the learned Single Judge, who stayed the operation of the order dt.11.08.2017 (Annexure P-12) and order dt.29.03.2022 (Annexure P-26), subject to the respondents furnishing an undertaking within two weeks that they would be bound by the final decision in the writ petition and in case the writ petition does not succeed, then they would comply with the final decision of the Government/Improvement Trust and would at their own expense, demolish the part of the building, which according to the appellant was raised in violation of the norms and which is not compoundable.

The learned Single Judge also permitted the respondents to complete the facade including the frontal glass facade, finishing work and

furnishing of the SCO in question, at their own cost and peril, specifying that the respondents cannot claim any equity by doing so.

It is stated that subsequently the application CM-5672-2023 has been filed by the applicant seeking modification of the order passed on 01.03.2023 alongwith their reply. It is brought to our notice that the said application is listed for 04.05.2023 before the learned Single Judge.

Having regard to the said circumstances and having regard also to the fact that while granting stay, the learned Single Judge had not chosen to assign any reasons for granting it except referring to the contentions of the counsel for the respondents, we modify the order of the learned Single Judge and direct both the parties to maintain status quo in all respects with regard to the construction in question till the learned Single Judge considers CM-5672-2023 on 04.05.2023.

Replication, if any, be filed by the counsel for the respondents in the CWP-4269-2023 by that date after prior service of the counsel for the appellant.

We request that the learned Single Judge to consider the said application and if possible to dispose of the writ petition itself on that day or within one month thereafter after hearing both the parties.

In view of the above, the instant appeal is disposed of.

(M.S. RAMACHANDRA RAO)
JUDGE

(SUKHVINDER KAUR)
JUDGE

13.04.2023

Komal

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