

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CWP-10274-2022(O&M)

Date of decision : 16.02.2023

Mannat-1 Residential Welfare Association

... Petitioner

Versus

State of Punjab and others

... Respondents

CORAM: HON'BLE MR.JUSTICE VIKAS BAHL

Present: Mr.H.S.Saini, Advocate for the petitioner.

Mr.Ferry Sofat, Addl.A.G. Punjab for respondents no.1 to 3.

Mr.Munish Jolly, Advocate for respondent no.5(i), 5(ii).

VIKAS BAHL, J.(ORAL)

CM-15884-CWP-2022 IN/& CWP-10274-2022

This is an application under Section 151 CPC seeking withdrawal of the above said writ petition with liberty to file a fresh petition with better particulars on the same cause of action.

Learned counsel for the applicant-petitioner has submitted that the petitioner has filed the main petition for issuance of a writ, order or direction especially in the nature of certiorari quashing the order dated 07.01.2022 passed by respondent no.3 whereby the building plan of the house of respondent no.5 was restored. Other prayers have also been made in the writ petition.

On 23.05.2022, a coordinate Bench of this Court was pleased to pass the following order:-

“The petitioner is an association of residents of Mannat-I Residential Society. Their *grievance is against sanction of building plan*

of respondent No.5 on the ground that the plot of the said respondent is outside the limits of the colony and is not a part thereof.

That being so, I do not see how the petitioner is aggrieved.

Learned counsel for the petitioner submits that the building plan of respondent No.5 has been sanctioned by showing access to her plot through the residential colony of the petitioner which is illegal.

Illegality can be examined at a later date provided it is established that building plan has in fact been sanctioned on the basis that the plot possesses access through a road passing through the society. The record does not support the contention of the learned counsel and, thus, he seeks time to place on record additional documents.

Adjourned to 21.07.2022.

May 23, 2022

(SUDHIR MITTAL)
JUDGE”

Learned counsel for the applicant-petitioner has submitted that certain provisions of the Act have been wrongly mentioned in the petition and thus, he seeks to withdraw the present petition with liberty to file a fresh petition after giving full and better particulars.

Keeping in view the above said facts and circumstances, the CM-15884-CWP-2022 is allowed and the petitioner is permitted to withdraw the present petition with the aforesaid liberty.

The petition is dismissed as withdrawn with the aforesaid liberty.

(VIKAS BAHL)
JUDGE

February 16, 2023
Davinder Kumar

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