

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

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2023:PHHC:094153-DB

CWP-11983-2023

Date of Decision: 25.07.2023

Dinesh Kanwar Singh

.....Petitioner(s)

Versus

State of Punjab and others

....Respondent(s)

**CORAM: HON'BLE MR. JUSTICE G.S.SANDHAWALIA
HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN**

Present: Mr. Chirag Girdhar, Advocate,
for the petitioner.

Mr. V.G. Jauhar, Addl. A.G., Punjab.

Mr. Ashish Grover, Advocate,
for respondent No.2.

G.S.SANDHAWALIA, J. (Oral)

1. Counsel for the petitioner *inter alia* contends that the application dated 20.02.2023 had been given for regularization of four separate properties alongwith deposit of Rs.1,68,312/- (Annexure P-5). The same was declined vide order dated 09.02.2023 (Annexure P-4) on the ground that the site fell in Non-conforming Zone and the no objection certificate could not be granted.
2. Notice of motion.
3. Mr. V.G. Jauhar, Addl. A.G., Punjab accepts notice on behalf of the State and Mr. Ashish Grover, Advocate puts in appearance on behalf of respondent No.2 on account of having advance notice.
4. A perusal of the paper book would go on to show that legal notice dated 22.03.2023 (Annexure P-6) has also been served upon the respondents whereby the petitioner has claimed the refund of the amount deposited, though his request for regularization has been declined.

5. Keeping in view the fact that an order has to be passed on the same as to whether the petitioner is entitled for the refund or not as such, we are of the considered opinion that rather than calling for the reply, the respondents shall take a call on the said issue and pass a speaking order on the said legal notice dated 22.03.2023 (Annexure P-6) within a period of 8 weeks from the date of receipt of certified copy of the order. In case the amount is found payable, the same shall be released forthwith. In the alternative, if there is any legal impediment as such, the respondent shall pass a speaking order and convey the same to the petitioner.
6. Writ petition stands disposed of accordingly.

(G.S. SANDHAWALIA)
JUDGE

25.07.2023
shivani

(HARPREET KAUR JEEWAN)
JUDGE

Whether reasoned/speaking
Whether reportable

Yes
No