

104

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

CWP-2102-2016

Date of Decision: December 16, 2023

Aslam Khan

.....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE RAJESH BHARDWAJ

Present: Mr.Sagir Ahmed, Advocate
for the petitioner.

Ms.Akshita Chauhan, Deputy Advocate General, Punjab.

Mr.Sankalp Sagar, Advocate
for respondent No.2.

.....

RAJESH BHARDWAJ, J.(ORAL)

Petitioner has approached this Court praying of issuance of direction to respondent No.2 not to demolish the building constructed over Plot No.31, Saini Vihar, Phase-IV, Village Baltana (within M.C. Zirakpur), District Mohali, as the building site plans have been submitted on 03.05.2010 and since then no objections have been raised. It is further prayed to set aside the order, dated 05.11.2014, Annexure P-5, passed by respondent No.2, in compliance with order dated 08.02.2011, passed in CWP-19146-2010. It is further prayed to issue direction to respondent No.2 not to take any action on the basis of order, dated 05.11.2014.

Counsel for the petitioner has submitted that the building was constructed in October 2010, however, thereafter the petitioner was served notice for demolition of the same. It is submitted that respondent/authorities

have not taken into consideration the objection raised by the petitioner. However, learned counsel for respondent No.2 has submitted that after site inspection and perusing the record, the impugned order dated 05.11.2014 was passed. He further submits that there is a provision of appeal and thus, the present petition is not even maintainable. He has fairly submitted that the petitioner was granted liberty in the impugned order itself to re-submit the site plan in accordance with the building by laws but he never approached the respondent with any such site plan. He has submitted that if the petitioner files the site plan, as directed in the impugned order, the same would be dealt with in accordance with law.

Learned counsel for the petitioner fairly submits that the present petition be disposed of with liberty to the petitioner to approach the respondent/authorities and he be allowed to submit the site plan, as directed.

In view of the submissions made by learned counsel for the petitioner, the present petition is disposed of with liberty, as prayed for. However, if the petitioner files the site plan, as directed in the impugned order, within two months from the date of receipt of certified copy of this order, the respondent/authorities would deal with the same and decide it in accordance with law expeditiously preferably within a month from the date of its receipt. It is further directed that if violation, as alleged against the petitioner, falls within the compounding limit, the same should be considered accordingly.

December 16, 2023

meenuss

(RAJESH BHARDWAJ)

JUDGE

1. Whether speaking/reasoned ?

Yes/No

2. Whether reportable ?

Yes/No