

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(115)

CWP-22637-2023
Decided on : 09.10.2023

Hari Singh

.....Petitioner(s)

Versus

State of U.T. & others

.....Respondent(s)

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

Present: Mr.Vishal Singh Chauhan, Advocate for the petitioner (s).

G.S. Sandhawalia, J. (Oral)

1. The petitioner has approached this Court under Articles 226/227 of the Constitution of India primarily with the grievance that his revision petition bearing No.33/2023 and the stay application dated 23.08.2023 (Annexure P-3) is pending before respondent No.2 but the same is not being taken up.

2. It is thus the contention of the counsel that there is a statutory remedy under Section 10(4) of the Capital of Punjab (Development & Regulation) Act, 1952 since the allotment of Tenement Site No.1435/21, Sector 29-B, Chandigarh has been cancelled on 11.08.2016 (Annexure P-2). The said order was upheld when the appeal was dismissed on 03.07.2023 (Annexure P-1) against which the revision petition is pending.

3. Notice of motion.

4. Ms.Madhu Dayal, Advocate accepts notice on behalf of the respondents No.1 to 4-U.T.Chandigarh, on having advance copy of the petition.

5. Keeping in view the limited relief sought we are not inclined to call upon the respondents to file reply as it would only delay the decision making process.

6. Accordingly, we dispose of the present writ petition with direction to respondent No.2 to take up the revision petition and decide the stay application expeditiously and thereafter, decide the main revision petition on merits. Apparently, the cancellation is way-back in the year 2016 on the basis of violation of additional construction and prima facie we are of the considered opinion that the balance of convenience is in favour of the petitioner who is a senior citizen and is stated to be residing there.

7. With the above-said directions, the present writ petition stands disposed of by protecting the possession of the petitioner till the application for stay is not decided by respondent No.2.

(G.S. SANDHAWALIA)
JUDGE

(HARPREET KAUR JEEWAN)
JUDGE

09.10.2023
Sailesh

Whether speaking/reasoned :	Yes	
Whether Reportable :		No