

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

118

CWP-23411 of 2023

Date of Decision:13.10.2023

Kuldeep Singh

....Petitioner(s)

Versus

U.T. Chandigarh and others

.....Respondent(s)

**CORAM: HON'BLE MR. JUSTICE G. S. SANDHAWALIA
HON'BLE MR. JUSTICE VIKRAM AGGARWAL**

Present: Mr. Gautam Diwan, Advocate,
for the petitioner.

Ms. Madhu Dayal, Standing Counsel, and
Ms. Shubhreet Kaur, Jr. Standing Counsel,
for the respondent-U.T. Chandigarh.

G. S. SANDHAWALIA, J. (Oral)

1. In the present writ petition filed under Article 226/227 of the Constitution of India, the petitioner seeks an interim stay during the pendency of his revision petition. The same has been filed against the order passed in Appeal No. 0048 of 2023 by the Chief Administrator, Union Territory, Chandigarh (respondent No. 2) in the capacity of the appellate authority wherein the appeal was dismissed on 20.09.2023 and the order dated 09.06.2023 (Annexure P-3) passed by the Sub Divisional Magistrate (Central), exercising powers of the Estate Officer, U.T. Chandigarh (respondent No. 4), sealing the premises was upheld.

2. The ground for sealing is that there are violations which are mentioned at serial Nos. 1 to 7 of the order dated 09.06.2023 (Annexure P-3) and the same had not been removed. It is pointed out that on an earlier occasion on account of an interim order not having been passed by the Appellate Authority also similar interim relief was passed in case of the petitioner in Civil Writ Petition No. 16208 of 2023, decided on 28.07.2023 (Annexure P-4).

3. Learned counsels appearing on behalf of the respondent-U.T. Chandigarh have opposed the prayer for interim relief and submit that the matter is now listed before the Revisional Authority on 07.02.2024 and the violations are still continue at the spot. The premises was earlier being used for a wine shop/*Ahata*/Tavern.

4. Learned counsel for the petitioner, on the other hand, has placed on record a copy of an earlier order passed by the Estate Officer on 16.10.2012 while pointing out that earlier a physical inspection was conducted and at that time and it was noticed that the back portion of the shop was used for '*Chakki*' purpose. First floor was being as a residence. Front side and back portion was found locked. A telephone tower was installed on upper side of the building.

5. It is also a specific case of the petitioner that he is residing alongwith his grand-children on the said premises and therefore, irreparable loss and injury would be caused to him, if the premises are sealed during the pendency of the revision petition.

6. Keeping in view the above, we dispose of the present writ petition with a direction to respondent No.1 to decide the revision petition expeditiously and till the decision of the same, the respondents are directed not to seal the premises of the petitioner, in view of the above.

7. Needless to say that that we are not commented upon on the merits of the case in any manner and the revisional authority shall decide the issue on its own merits.

(G. S. SANDHAWALIA)
JUDGE

(VIKRAM AGGARWAL)
JUDGE

October 13, 2023

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Whether speaking	:	Yes/No
Whether reportable	:	Yes/No