

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-238-2024(O&M)
Date of decision: 08.01.2024

The Chandigarh Golf Club
... Petitioner

Versus

The Union Territory of Chandigarh and others
... Respondents

CORAM: HON’BLE MR. JUSTICE ARUN PALLI
HON’BLE MR. JUSTICE VIKRAM AGGARWAL

Present: Mr. Anand Chhibbar, Senior Advocate,
Mr. Amit Jhanji, Senior Advocate, with
Mr. Vaibhav Sahni, Dr. Eliza, and
Mr. Ateevraj Sandhu, Advocates;
Mr. Chetan Mittal, Senior Advocate, with
Mr. Kunal Mulwani and Mr. Daksh Uppal, Advocates;
Mr. Randeep S. Rai, Senior Advocate, with
Ms. Rubina Virmani and Mr. Arjun Singh Rai, Advocates,
for the petitioner.
Mr. Aman Bahri, Advocate, and
Mr. Shobit Phutela, Advocate,
for the respondent(s)-UT, Administration.
Mr. Manish Bansal, Advocate, and
Mr. Navjit Singh, Advocate, for respondent No.7.

ARUN PALLI, J. (Oral)

Served with the advance copy of the petition, Mr. Aman Bahri, Advocate is present on behalf of the respondent(s)-U.T. Administration. Upon instructions from Mr. Vinay Pratap Singh, Deputy Commissioner, UT, Chandigarh, present in Court, he submits for the show cause notice dated December 18, 2023 (P-7) suffers from certain inadvertent/accidental omissions, the authorities have resolved to withdraw the same. Further, as even the impugned order dated December 29, 2023 was passed by the Estate Officer, UT, Chandigarh, in apparent breach of the principles of natural justice,

the same shall also be deemed to have been withdrawn. However, he submits that the petitioner (Chandigarh Golf Club) shall be served with a fresh show cause notice by the competent authority. And, in that event, the petitioner shall be afforded a due opportunity to submit response and also a hearing before any fresh orders are passed by the Administration, in accordance with law.

In response, learned Senior counsel for the petitioner submits that project as regards construction of 7 residential huts near 9th fairway at Chandigarh Golf Club has since been dropped. And, in reference to the reply dated 29.12.2023 (P-11), to the show cause notice dated 18.12.2023 (P-7), he submits that action in sync with the recommendations of the Joint Security Committee has been initiated. Further, a part of the cantilever, constructed as per the approved building plan BPA0002520236IILXA, which fell within 10 meters buffer range, has also been demolished. Therefore, he asserts that substantively no lis survives between the parties. However, in case there still exists any dispute, without prejudice to the rights and interests of the petitioner and the specific stand set out in the petition, every possible endeavor shall be made by the petitioner to resolve the same amicably with the Administration.

To this, learned counsel for the Administration submits that in the event, the petitioner is served with a show cause notice, it would be at liberty to submit response and even put-forth its viewpoint to resolve the issue, which shall be duly taken into account/consideration.

As regards the impugned show cause notices dated December 22, 2023 (P-8) and December 29, 2023 (P-9), concerning certain building violations/deviations, learned counsel for the Administration, as always, fairly submits, though the petitioner has been afforded an opportunity of hearing for

9th January, 2024, but in the given circumstances, it shall be at liberty to submit its response within three weeks from today. Whereafter, it shall be heard and necessary orders, if so required, shall be passed, in accordance with law.

In the wake of the above, learned Senior counsel for the petitioner submits that nothing substantive survives in the petition, as the same is rendered infructuous in terms of the statement made by learned counsel for the respondent-Administration.

Accordingly, the petition stands disposed of as having been rendered infructuous.

(Arun Palli)
Judge

(Vikram Aggarwal)
Judge

08.01.2024
Rajan

Whether speaking / reasoned:	YES/NO
Whether Reportable:	YES/NO