

by the tenants/occupiers of the premises, [CWP-666-2024 (M/s Marta's and Giri's Foods Vs. Union Territory of Chandigarh and others)], and other connected matters, this Court, vide an order of even date, has already set aside the orders that are being assailed in this petition and remitted the matter to the competent authority to re-initiate the proceedings and pass orders afresh, the impugned orders in this petition too, to avert any contradiction/complication that may arise at any subsequent stage, be deemed to have been withdrawn. This, however, would be without prejudice to the rights/interest and the claim/defence set out by the respondent-Administration before the authorities (*ibid*) as also this Court. For this arrangement is being arrived at to meet a peculiar situation the parties are faced with, and since the validity of the orders under challenge is not being examined in these proceedings. And, now that the competent authority shall re-initiate the proceedings, in terms of Rule 10 of the Chandigarh Estate Rules, 2007, the petitioners would also be heard, but without being served with any fresh show cause notice, with the occupiers of the premises, before passing orders afresh.

And as regards the prayer that petitioner No.2, pursuant to the family transfer, vide deed dated 29.10.2015, had transferred 40% share in the premises to his wife and son (Aradhna Verma and Mithlesh Verma), which is yet to be mutated and the matter is still pending with the Estate Officer, as a result, the petitioners are unable to submit the revised building plans: suffice it to say that they would be at liberty to pursue the matter with the competent authority, in accordance with law.

In the wake of the undisputed position sketched out above, we are not required to delve into the merits of the case. The petition is accordingly disposed of, in terms of the consensus arrived at by the learned counsel for the parties.

We are sanguine that the competent authority, while re-examining the matter, would remain uninfluenced by the observations/conclusions recorded by the Appellate as also the Revisional Authority, and pass necessary orders, strictly in accordance with law.

We also consider it expedient to clarify that as the alleged violations/deviations are purported to be in existence since 2013, this order shall have no bearing on the proceedings wherein penalty charges

are being worked out and the matter, as indicated in the order dated 03.10.2023 (P-11), is pending before the Estate Officer, U.T., Chandigarh. Which, of course, would be subject to the fresh orders that would now be passed by the competent authority.

(ARUN PALLI)
JUDGE

(VIKRAM AGGARWAL)
JUDGE

16.01.2024
Ak Sharma

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No