

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

CWP No.2408 of 2024 (O&M)

Date of Decision :05.02.2024

East End Estate Welfare Society (Regd.)

.....Petitioner

Versus

State of Punjab and others

..... Respondents

**CORAM: HON'BLE MR.JUSTICE ARUN PALLI
 HON'BLE MR.JUSTICE VIKRAM AGGARWAL**

Present : Mr. Sukhandeep Singh, Advocate for the petitioner.

Mr. V.G.Jauhar, Addl.A.G. Punjab.

ARUN PALLI, J. (Oral):

 Contends that the petitioner (East End Estate Welfare Society), aggrieved by illegal extension of the colony by its promoter (respondent No.7) along with private individuals (respondents No.8 to 14) have approached this Court.

 Learned counsel for the petitioner submits that agricultural land adjacent to the colony is being converted into a residential and commercial zone without obtaining CLU (Change of Land User) or licence to develop a colony. He submits that before developing a colony by changing its usage a licence under Section 5 of the Punjab Apartment and Property Regulation Act, 1995, is required to be obtained from the competent Authority. Further, the sewerage and roads of the colony have been connected with the unauthorized parcels of land as a result additional load is put on the petitioner's colony. Further, even the security of the petitioner-society is compromised since the boundary wall of the colony have been demolished.

It is submitted that the petitioner had expressed his

concerns/grievances, vide complaint dated 01.11.2021 to the Commissioner, Municipal Corporation, Amritsar and a report from the Assistant Town Planner was sought for. And per the report dated 26.04.2023 (P16) and 02.05.2023 (P17), he submits the construction/development activities at site were stopped. However, on the contrary, the development activities are in progress at site without a demur. Therefore, in the given circumstances, the competent authority was rather required to cancel the No Objection Certificate issued to the promoter/developer. It is urged that even the legal notice dated 12.02.2023 (P14), the authorities were served with has failed to evoke any response. Therefore, with each passing day, the rights and interest of the petitioner are severely affected.

Served with the advance copy of the petition Mr. V.G.Jauhar, Addl.A.G. Punjab, is present in Court. At the outset, he submits that as the competent authority (ADC-Urban Development) that is alleged to be served with the legal notice, is in seizin of the concerns/grievances of the petitioner, it would be expedient, if the petition is disposed of, at this stage, to enable the respondents-authority to take necessary measures. He submits that before any such orders are passed all the stakeholders would be heard and appropriate orders, in accordance with law, shall be passed within 8 eight weeks from today.

Learned counsel for the petitioner is agreeable to the course suggested by learned counsel for the respondents and submits that let the petition be disposed of in terms of the statement made by him.

In the wake of the position, as sketched out above, the petition is accordingly disposed of, in terms of the statement made by learned counsel for the parties.

This Court is sanguine that the competent authority would consider the claim of the petitioner in the right earnest. And the appropriate orders shall be passed within the time indicated by learned counsel for respondents.

Needless to assert that this order shall not constitute an expression of opinion on the merits of the case of either party, for, as indicated above, the authority shall examine the grievance of the petitioner, strictly in accordance with law.

(ARUN PALLI)
JUDGE

(VIKRAM AGGARWAL)
JUDGE

05.02.2024
Manoj Bhutani

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