

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-4860-2024

Date of decision: 07.03.2024

Rajiv Narang and others

....Petitioners

Versus

Union Territory, Chandigarh and others

....Respondents

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

Present: Ms. Sonal, Advocate,
for the petitioners.

ARUN PALLI, J. (Oral)

The petitioners have prayed for the following substantive relief:

“(i) Issue a writ in the nature of certiorari quashing qua the petitioners the impugned order dated 23.11.2010 (Annexure P-4) passed by the respondent No.3 the Estate Officer, U.T., Chandigarh, whereby the misuse charges for the period from 11.06.2008 to 24.03.2009 calculated at Rs.2,46,300/- (Annexure P-5) and for the period from 25.03.2009 to 07.09.2010 at Rs. 76,97,600/- (Annexure P-6) in respect of the basement of the property SCO No.118-119, Sector 8-C, Madhya Marg, Chandigarh (hereinafter referred to as ‘the site’) were ordered to be recovered from the co-owner Roshan Lal Narang son of Shri Mohan Lal resident of College road, Abohar, Tehsil Abohar, District Fazilka, Punjab (earlier District Ferozepur) now deceased (predecessor of the petitioners) (hereinafter referred to as ‘the co-owner Roshan Lal Narang) and from the occupier respondent No.4 (hereinafter referred to as ‘the occupier’ jointly and severally as arrears of land revenue AND the impugned

order dated 09.03.2023 (Annexure P-7) passed by the respondent No.2 Chief Administrator, Union Territory, Chandigarh whereby the appeal of the co-owner Roshan Lal Narang against aforesaid impugned order dated 23.11.2010 has been dismissed, being illegal, null & void, against facts on record.

(ii) to issue a writ in the nature of certiorari quashing the Chandigarh Estate Rules, 2007 and the Chandigarh Estate (Amendment) Rules, 2009 being ultra vires the Constitution of India and the Capital of Punjab (Development & Regulation) Act, 1952, having being enacted without any jurisdiction or any authority of law, in an absolute illegal, arbitrary, unjust, unfair, discriminatory manner, against the well established principles of law as laid down by the Full Bench judgment in Dheera Singh Vs. U.T., Chandigarh Admn. And others besides also being beyond the scope of parent Act.”

In essence, a Certiorari is prayed for, to quash the order dated 23.11.2010 (P-4), passed by respondent No.3, vide which, the misuse charges for the period from 11.06.2008 to 24.03.2009, has been calculated at Rs.2,46,300/-, and for a subsequent period from 25.03.2009 to 07.09.2010 at Rs. 76,97,600/- as regards basement in SCO No.118-119, Sector 8-C, Madhya Marg Chandigarh. As also, the order dated 09.03.2023 (P-7), passed by respondent No.2.

Served with the advance copy of the petition, Mr. Sanjiv Ghai, Advocate, along with Mr. Parminder S. Kaul, Advocate, for the respondent-U.T., Chandigarh, is present in Court. At the outset, he submits that under Section 10(4) of the Capital of Punjab (Development & Regulation) Act, 1952, the impugned order is revisable. Thus, it would be expedient, if the petitioners are relegated to avail the remedy of revision, to enable the authorities to conclusively examine their concerns/grievances, as sought to be raised in this petition. Further, he submits that the period to file the revision against the order passed under sub-section (2) or sub-section (3) of Section 10, is 30 days from the date of communication of such decision, which, in the present case, has

indeed elapsed. However, as always, he fairly submits that still if the revision is preferred by the petitioners within a period of two weeks from today, the same shall be entertained by the competent authority. Whereafter, it would proceed to decide the matter, in accordance with law, after affording due opportunity of hearing to the petitioners.

That being so, learned counsel for the petitioners submits that the petition be disposed of, in terms of the statement made by learned counsel for the respondent-U.T., Chandigarh, to enable the petitioners to avail the remedy of revision, as indicated above.

Accordingly, the petition is disposed of, in terms of the statements made by learned counsel for the parties.

This Court is sanguine that if the petitioners file a revision within the time indicated above, the competent authority shall take cognizance thereof and pass appropriate orders, in accordance with law.

(ARUN PALLI)
JUDGE

(VIKRAM AGGARWAL)
JUDGE

07.03.2024
Ak Sharma

Whether speaking/reasoned	Yes
Whether reportable	Yes/No