



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

**CWP-8660-1999 (O&M)
Date of Decision: 10.12.2024**

DARSHAN LAL CHAWLA

....Petitioner

Versus

UT OF CHANDIGARH AND OTHERS

....Respondents

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

Present: Mr. Pritam Singh Saini, Advocate for the petitioner.

Mr. Mayank Sharma, Advocate for
Mr. Aman Bahri, Advocate for the respondents.

VIKRAM AGGARWAL, J.

1. The petitioner (Darshan Lal Chawla) prays for the issuance of a writ of certiorari quashing the order dated 23.05.1996 (Annexure P-1) vide which the lease of the built up Subsidized Industrial House No.1299/1, Sector 30-B, Chandigarh which had been allotted to the petitioner vide allotment letter dated 17.06.1980 was cancelled. He further assails the order dated 27.10.1998 (Annexure P-2) vide which the appeal against the said order was dismissed and the order dated 16.06.1999 (Annexure P-3) vide which the revision petition preferred by the petitioner was also dismissed.

2. Notice of motion was issued on 05.07.1999 and operation of the impugned orders was stayed;

“Says that petitioner has not made any construction which is unauthorized, but still if it is found as a matter of fact by any competent authority that unauthorized construction is there, the petitioner is ready to remove the same immediately.

Notice of motion for 19.8.1999.

Operation of orders Annexures P1 to P3 is stayed meanwhile.”



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3. Thereafter, the writ petition was admitted vide order dated 10.09.2002 and stay was ordered to continue;

“Admitted.

Stay to continue.”

4. Thereafter, on 06.11.2024, the following order was passed by this Court;

“On October 21, 2024, this Court had passed the following order:

“At the outset, learned counsel for the respondent submits that although the subject property was ordered to be resumed owing to non-compoundable violations/ deviations. Whereafter the appeal as also the revision preferred by the petitioner was dismissed. But on a fresh inspection that was carried out today itself the non-compoundable violations continue to exists and therefore, the petition deserves to be dismissed.

Faced with this, learned counsel for the petitioner prays for a short accommodation to ascertain the true and actual position and respond.

Adjourned to 06.11.2024.

To be taken up immediately after urgent matters.”

Learned counsel for the petitioner, at the outset, submits that all non-compoundable violations/deviations have since been removed, and the authorities are free to carry out a fresh inspection to ascertain the true and actual position on the ground.

In response, learned counsel for the respondent-Administration prays for a short accommodation to enable the authority to carry out fresh inspection and furnish a report in this regard.

As prayed, adjourned to 19.11.2024.

To be taken up immediately after the urgents.

Inspection report be furnished on or before the adjourned date with an advance copy to the learned counsel for the petitioner.

5. Today, learned counsel for the respondents has produced a report dated 18.11.2024 in the Court which is taken on record as Mark ‘X’. As per the



same, the three violations viz covering of courtyard by making two rooms, encroachment by extending the building line in the front side and unauthorized iron staircase provided from the ground floor to the terrace have been set right and as on today, there are no building violations in the subject property. Learned counsel further submits that in view of the same, the impugned orders dated 23.05.1996 (Annexure P-1), 27.10.1998 (Annexure P-2) and 16.06.1999 (Annexure P-3) be deemed to have been withdrawn and the site in dispute be deemed to have been restored to the petitioner.

6. Admittedly, the possession of the site in question is with the petitioner. Interim order in favour of the petitioner was passed as far back as on 05.07.1999 and is continuing till today. Once even the non-compoundable violations have been removed and a very fair statement has been given by learned counsel for the respondents that the impugned orders be deemed to have been withdrawn, learned counsel for the petitioner fairly submits that nothing survives in the writ petition and the same be disposed of in terms of the statement given by learned counsel for the respondents.

Ordered accordingly.

(ARUN PALLI)
JUDGE

(VIKRAM AGGARWAL)
JUDGE

10.12.2024
Prince Chawla

Whether speaking/reasoned :	Yes/No.
Whether reportable :	Yes/No.