

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

CWP-17038-2024

Date of decision: 23.07.2024

Col. Gurpreet Singh (Retd.) and another

....Petitioners

Versus

Advisor to the Administrator U.T., Chandigarh and others

....Respondents

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

Present: Mr. Rajbir Singh Guron, Advocate,
for the petitioners.

ARUN PALLI, J. (Oral)

In essence and for the present, the petitioners are aggrieved by an order dated 17.07.2024 (P-23), passed by the Estate Officer, U.T., Chandigarh (respondent No.5), pursuant where to, duties have been assigned to the officers of the Administration to oversee the demolition drive as regards House No.1518, Sector-18/D, Chandigarh.

Learned counsel for the petitioners submits that the order dated 10.11.2023 (P-10), passed by the Sub Divisional Magistrate (East), vide which, demolition of the subject property had been ordered, was assailed in appeal, which has since been affirmed by the Appellate Authority, vide order dated 06.05.2024 (P-11). He asserts that being aggrieved, the petitioners have preferred a revision under Section 10 (4) of the Capital of Punjab (Development and Regulation) Act, 1952, along with an application for interim stay, which is pending consideration

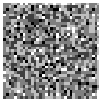


before the Advisor to the Administrator, U.T., Chandigarh. Thus, it is submitted that on the one hand, the revision preferred by the petitioners, as also their prayer for interim stay, is being kept pending. Whereas, on the other, the violations/deviations that allegedly exist in respect of House No.1518, Sector-18/D, Chandigarh, are sought to be demolished. It is urged that in the event, demolition is carried out, not only the revision filed by the petitioners would be rendered infructuous, but they would also suffer an irreparable loss. Rather, he asserts that the indecision, at the end of the competent authority, has resulted in the situation the petitioners are faced with.

Served with the advance copy of the petition, Mr. Jaivir Chandail, Advocate, along with Ms. Aashna Gill, Advocate, for the respondents, is present in Court. At the outset, he, on instructions, submits, for the revision preferred by the petitioners is posted for 01.08.2024, the competent authority shall take cognizance thereof, and pass necessary orders, in accordance with law, after affording them an opportunity of hearing. However, he fairly submits that till then, the impugned order dated 17.07.2024 shall be kept in abeyance, and no demolition or sealing of the premises shall be carried out.

That being so, learned counsel for the petitioners submits that nothing substantive survives in the petition and the same be disposed of, in terms of the statement made by learned counsel for respondents.

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



This Court is sanguine that the Revisional Authority shall take up and examine the matter in the right earnest, on the date fixed. And the appropriate orders, assigning reasons in support thereof, shall be passed at the earliest.

Needless to assert that this order shall not constitute any expression of opinion on the merits of the case of either party, for, as indicated above, the competent authority shall examine the concerns/grievances of the petitioners, strictly in accordance with law.

(ARUN PALLI)
JUDGE

(VIKRAM AGGARWAL)
JUDGE

23.07.2024
Ak Sharma

Whether speaking/reasoned	Yes
Whether reportable	Yes/No