



CWP-22078-2024

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

CWP-22078-2024**Date of decision: 04.09.2024**

Sukhpal Singh 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. A.P.S. Brar, Advocate,
for the petitioners.

ARUN PALLI, J. (Oral)

In essence and for the present, the petitioners are aggrieved by an order Annexure P-11, issued by the District Magistrate, U.T., Chandigarh, (respondent No.5), pursuant where to, duties have been assigned to the officers of the Administration to oversee the sealing drive as regards SCO No.45, Sector-42, Chandigarh.

Learned counsel for the petitioners submits that the subject site was allotted to the petitioners, along with proforma respondents No.16 to 19, on lease hold basis, vide letter of allotment dated 24.04.1995. And, accordingly, they constructed a showroom thereupon. Further, he submits that the petitioners/allottees were served with notices dated 25.03.2010 (P-1) and 27.01.2012 (P-2), owing to certain building violations/deviations, to which, they even submitted a reply dated 26.03.2012 (P-3). However, he asserts that vide order dated 20.07.2023



(P-5), the Sub Divisional Magistrate (South), exercising the powers of Estate Officer, U.T., Chandigarh, had directed sealing of the portion of the subject site, where the alleged violations/deviations are found to be existing, along with payment of penalty charges. Aggrieved by the said order, the petitioners/allottees preferred an appeal under Section 10(3) of the Capital of Punjab (Development & Regulation) Act, 1952, which was dismissed by the Appellate Authority, vide order dated 21.02.2024 (P-8). It is submitted that against the said order, they have filed a revision, along with a stay application, under Section 10 (4) of the Act, which is pending consideration before the Advisor to the Administrator, U.T., Chandigarh. Thus, he submits 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 subject site is sought to be sealed. Therefore, it is urged that in the event, sealing 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. Sumeet Jain, learned Additional Standing Counsel, with Mr. Himanshu Arora, Advocate, for the respondent-U.T, Chandigarh Administration, is present in Court. At the outset, he, on instructions, submits, for the revision preferred by the petitioners is pending, the competent authority shall take cognizance thereof, and pass necessary orders, in accordance with law, after affording them due opportunity of hearing. However, he fairly submits that till final disposal of the revision, the impugned order (P-11),



shall be kept in abeyance, and sealing of the premises shall not 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. 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

04.09.2024
Ak Sharma

Whether speaking/reasoned	Yes
Whether reportable	Yes/No