

IN THE PUNJAB AND HARYANA HIGH COURT AT
CHANDIGARH

222

CWP-31952-2019
Date of Decision: 09.01.2024

JOGINDER SINGH AND ANR

... Petitioners

VERSUS

STATE OF PUNJAB AND ORS

... Respondents

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ.

Present: Ms. Sonia G. Singh, Advocate
for the petitioners.

Mr. S.S. Aulakh, AAG, Punjab.

VINOD S. BHARDWAJ, J. (ORAL)

Challenge in the present petition is to the orders dated 17.09.2018, 06.11.2018 and 20.06.2019 (Annexures P-9, P-11 and P-12 respectively) being non-speaking and against the principles of natural justice.

Counsel for the petitioners contends that the objections against the changes in the layout of the site plan for laying the irrigation pipelines have been altered by the Competent Committee in an illegal and arbitrary manner.

During the course of the arguments, it is fairly conceded by the counsel for the petitioners that the respondent-Authorities had granted *ex post facto* approval to the changes of lay out plan/site plan vide order dated 03.12.2018. It is undisputed that the said sanction had already been granted prior to the filing of the present petition, which was filed in the year 2019, however, no challenge has been raised to the same till date. In the absence of any challenge to the order granting *ex post facto* approval, it cannot be assumed that the sanction is bad, illegal or violative of any provision of law. Learned

counsel for the petitioners is not able to refer to any provision on the basis whereof, it can be said that the *ex post facto* approval granted by the Competent Authority was not stipulated in law and/or that the same could not have been done.

In view of the above, the present petition is hereby dismissed.

JANUARY 09, 2024
rajender

(VINOD S. BHARDWAJ)
JUDGE

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