

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

C.W.P. No. 957-2024

Date of decision: 16.01.2024

Shekhar Karamveer Ahluwalia
Vs.

.... **Petitioner**

State of Punjab and others

.... **Respondents**

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

Present: Mr. Piyush Kant Jain, Advocate,
for the petitioner.
Mr. Navdeep Chhabra, Sr. DAG, Punjab.

ARUN PALLI, J (Oral)

Petitioner prays for a mandamus, directing respondents No.1 to 3, to issue "No Objection Certificate" in relation to the application dated 11.04.2023 submitted by him seeking regularization of his property/plot measuring 1270 sq. yards situated within the revenue estate of Malakpur, Tehsil & District Ludhiana, in terms of the Regularization Policy dated 18.10.2018.

Learned counsel for the petitioner submits that the petitioner had purchased the site in question from its original owner pursuant to the sale deed dated 24.03.2011. Whereafter, the said site/plot has since been mutated in his favour. He, however, submits that the area in question has not yet been approved as a colony. But pursuant to the Regularization Policy dated 18.10.2018 (P-3), the petitioner could always seek regularization of his site/plot subject to the terms and conditions enumerated therein. In reference to an order Annexure P-4 (Page 45 of the paper book), he submits that respondent authorities have already issued no objection certificates to another plot holders, who was identically placed as the petitioner. Further, electricity connection have also been issued to the several residents of the locality. He asserts that even though the petitioner had moved an application, in terms of the policy dated 18.10.2018, as back as on 11.04.2023 to the competent authority, and even deposited Rs.2,17,756/- in this regard, but to date the matter has not made any tangible progress. And, thus, the interest of the petitioner continues to suffer. Rather, in reference to regulation No.4.2 of the policy, it is urged that since the petitioner does not fall in any of the exceptions, there was/is hardly any impediment to issue the no objection certificate.

Served with an advance copy of the petition, Mr. Navdeep Chhabra, Sr. D.A.G. Punjab, for respondents-PUDA is present in Court. At the outset, he submits for the competent authority is in seisin of the application submitted by the petitioner, it would be expedient if this petition is disposed of, at this stage, to enable the respondents to deal with the concerns/grievances of the petitioner and pass appropriate orders in accordance with law. Further, petitioner shall also be heard before any such orders are passed.

Learned counsel for petitioner is agreeable to the course suggested by the learned counsel for respondents and submits that let this petition be disposed of in view of the statement made by him. However, he prays that respondents be directed to decide the pending application within a specified time.

To which, learned State counsel submits that the matter shall be disposed of within two months.

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

This Court is sanguine that the authorities shall consider/examine the matter in issue, and pass appropriate orders, in accordance with law, within the time indicated by learned counsel for the respondents, assigning reasons in support thereof.

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

(ARUN PALLI)
JUDGE

(VIKRAM AGGARWAL)
JUDGE

16.01.2024
deepak

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