



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

CRM-M-39540-2015 (O&M)
Date of decision: 08.04.2025

The Estate Officer, U.T. Chandigarh and another

...Petitioners

Versus

Punjab State Federation of Cooperative Sugar Mills Ltd and another

...Respondents

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. J.S. Toor, Addl. PP, UT Chandigarh.
For the petitioners.

Mr. Rahul Sharma, Advocate for respondent No.1.

Mr. Arihant Goyal, Advocate and
Mr. Kunal Mulwani, Advocate for respondent No.2.

KARAMJIT SINGH, J. (ORAL)

1. The instant petition under Section 482 Cr.P.C has been filed by the petitioners seeking quashing of order dated 20.03.2015 Annexure P-3 passed by the Court of Additional Sessions Judge/revisional Court, Chandigarh vide which, the order dated 01.07.2014 Annexure P-1/A passed by SDM (Central), UT Chandigarh, under Section 133 Cr.P.C, was set aside.

2. The brief facts of the case are that premises in question having SCO 125-126-127, Sector-17-B, Chandigarh is owned by respondent No.2 and its third floor is occupied by respondent No.1 (Sugar Fed. Punjab) being tenant. The first and fourth floor of the building are occupied by another tenant namely Punjab Alkalies and Chemical Limited, who is respondent No.1 in connected matter CRM-M-39608 of 2015. The Estate officer, UT Chandigarh lodged complaint under Section 133 Cr.P.C against the respondents herein on the ground that the building in question is more than



50 years old and is in dilapidated condition and potential to collapse at any time and thus, is a cause of public nuisance. The said complaint was contested by the respondents and after following the due procedure, the said complaint was allowed and SDM (Central) UT Chandigarh gave direction to demolish the said unsafe building in the interest of public safety without any delay, vide order Annexure P-1/A dated 01.07.2014.

3. Being aggrieved, respondent No.1 filed criminal revision petition. The same was allowed by the Court of Additional Sessions Judge vide order Annexure P-3 dated 20.03.2015 and the revisional Court set aside order Annexure P-1/A passed by the Court of SDM (Central) UT Chandigarh and the petitioners were advised to take legal recourse by approaching the civil Court.

4. The petitioners have filed the present petition under Section 482 Cr.P.C seeking quashing of order Annexure P-3 dated 20.03.2015 passed by the Court of Additional Sessions Judge, Chandigarh.

5. During the pendency of the present petition, on 21.03.2025, counsel appearing on behalf of respondent No.2, made statement to the effect that the owner of the building is having no objection if the building i.e. SCO-125-126-127, Sector 17-B, Chandigarh is demolished as the same has outlived its normal life span, as is evident from the reports submitted by the different building expert. He further made statement that the immediate demolition of the building is not possible, as the same is occupied by two tenants namely respondent No.1 herein and Punjab Alkalies and Chemical Limited (respondent No.1) in CRM-M-39608-2015.

6. Today, Mr. Rahul Sharma, Advocate made statement that Board of Directors of Sugar Fed, Punjab (respondent No.1) have resolved to vacate the premises in question within a period of next 3 months and concerned resolution is dated 07.04.2025.

7. The counsel appearing on behalf of UT Chandigarh made prayer that the present petition be disposed of in the light of the aforementioned statement made by the counsels on behalf of respondents.

8. Even the counsels for respondents No.1 and 2 also having no objection if the present petition is disposed of in aforesaid terms and



necessary directions are given to the concerned authorities to demolish the building in question, after the expiry of aforesaid period of three months.

9. In light of the above, the present petition is allowed and impugned order dated 20.03.2015 Annexure P-3 is set aside and necessary direction is given to the respondents to vacate the portion of premises in question which is at present occupied by respondent No.1, as a tenant under respondent No.2, within a period of next three months from today and after the expiry of the said period of three months, UT Administration will be at liberty to demolish the aforesaid portion of the building in question, in accordance with law. In case, the respondents failed to do the needful, UT Administration will be at liberty to get execute this order with the intervention of the Court concerned.

10. The present petition is hereby disposed of in aforesaid terms.

08.04.2025

Yogesh

**(KARAMJIT SINGH)
JUDGE**

**Whether speaking/reasoned:-
Whether reportable:-**

**Yes/No
Yes/No**