
(2000) 11 P&H CK 0024

In the Punjab And Haryana At Chandigarh

Case No : Civil Revision Petition No. 7603 of 1994

Continental Devices India Ltd., Chandigarh

APPELLANT

Vs

State of Punjab

RESPONDENT

Date of Decision : 03-11-2000

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2001) 4 RCR(Civil) 11

Hon'ble Judges : Nirmal Singh, J;G.S. Singhvi, J

Bench : Division Bench

Advocate : Mr. M.L. Sarin, Mr. Hemant Sarin, Mr. P.S. Patwalia, Mr. G.C. Dhuriwala, Mr. Kanwaljit Singh, Mr. G.S. Bhatia, Mr. J.P.S. Sandhu and Mr. Rajiv Kataria, for the Appellant; Mr. Rupinder Khosla, D.A.G., Mr. Ashok Aggarwal and Mr. Vikram Aggarwal, for the Respondent

Judgement

G.S. Singhvi, J.—These petitions have been filed for quashing of the orders/ notices issued by the Additional Housing Commissioner, Punjab Housing Development Board, General Manager (Regulatory), Punjab Urban Development Authority and other authorities, exercising the powers of Deputy Commissioner under the Punjab New Capital (Periphery) Control Act, 1952 for demolition of the construction made By them. In C.W.P. Nos. 7789 of 1994, 16952 of 1994, 17103 of 1994, 704 of 1995, 12279 of 1995 and 17007 of 1994 the petitioners have only challenged the notices issued by the concerned authorities and the threatened demolition of their properties.

2. At the hearing, Shri Vikram Aggarwal filed an affidavit of Shri Hardev Singh, General Manager(Regulatory) PUDA, Mohali in which it has been averred that in view of the recent decisions taken by the State Government, the matter with regard to the construction made by the petitioners needs to be reviewed and, therefore, the cases may be remanded to the competent authority constituted under the Act of 1952 to enable it to examine each and every case on merits in the light of the prevailing policy of the government and to pass appropriate order.

3. Shri Rupinder Khosla, learned Deputy Advocate General also stated that the matter relating to regularisation of construction made in violation of the periphery Act is under active consideration of the State Government and appropriate policy decision is likely to be taken in the near, future. He further stated that the orders/notices impugned in these petitions for removing the alleged unauthorised construction will not be given effect to and if any fresh action is taken, then appropriate order would be passed only after giving notice and opportunity of hearing to the affected person.

4. In view of the affidavit filed by the General Manager (Regulatory) PUDA and the statement by learned Deputy Advocate General, we dispose of these petitions in the following terms :-

(i) Orders/notices impugned in these petitions shall not be given effect to.

(ii) If State Government takes a policy decision to regularise the constructions made in violation of the provisions of 1952 Act, then the competent authority shall pass appropriate orders for regularising the constructions made by the petitioner(s) strictly in accordance with such policy decision.

(iii) If the construction made by any of the petitioners is not found to be covered by the policy decision and the concerned authority consider it necessary to take action for removal thereof, then appropriate order shall be passed after giving notice and opportunity of hearing to the concerned person.

(iv) If an order adversely affecting the right of any of the petitioner is passed by the competent authority then the same shall not be given effect to for a period of 15 days from the date of its communication and within that period the aggrieved party shall be free to avail appropriate legal remedy.

5. Petition disposed of.