

(2011) 04 P&H CK 0134

In the Punjab And Haryana At Chandigarh

Case No : Civil Writ Petition No. 12168 of 1993 (O and M)

Prof. Joginder Singh

APPELLANT

Vs

Union of India (UOI) and Others

RESPONDENT

Date of Decision : 29-04-2011

Acts Referred:

Citation : (2011) 04 P&H CK 0134

Hon'ble Judges : Ranjit Singh, J

Bench : Single Bench

Final Decision : Allowed

Judgement

Ranjit Singh, J.—The Petitioner has filed this writ petition seeking writ of certiorari and mandamus for setting aside of order Annexure P-1 to P-3 & P-6, whereby SCO Site No. 1024-25, Sector 22B, Chandigarh, stood resumed by the Respondents. The writ petition was admitted and the operation of the resumption order was stayed.

2. The writ petition was referred to Lok Adalt, where the matter was discussed with the assistance of the counsel. The question of compounding violations made in the building was considered. The construction of mezzanine at the back of one of the shop, admittedly, occupied by Bhatia Gas Agency was also considered. Counsel for the Petitioner, at that stage, stated before the Lok Adalat that the Petitioner would remove the construction and the violation as noted above and then would come forward for question of regularization and payment of compounding fee. Thereafter, lot of grounds were covered before the Lok Adalat. The Lok Adalat, thereafter, had felt handicapped as was not in position to pass any effective order to set aside the resumption order. The matter, accordingly, was referred back to the Court.

3. When the case came up for hearing before this Court on 21.4.2011, Mr. Raina, Advocate, appearing for the Respondents, had very fairly stated before the Court that misuse on the ground floor as well as on the top floor stands removed. He,

however, pointed out that the Petitioner has to file undertaking for removing misuse on first floor. The counsel for the Petitioner took time to enable the landlord to file an affidavit giving an undertaking for removing the misuse on the first floor. At that stage, Today, Civil Miscellaneous No. 5882 of 2011 has been filed for placing on record the affidavit of the landlord giving an undertaking to remove the wooden partition erected on the first floor of the site in question within a period of two months. The Petitioner-landlord has also undertaken to deposit the fee as well as the penalty to be calculated and imposed by the Respondents for sanctioning the revised building plan, which has already been submitted by the Petitioner to the Respondent Administration. The Petitioner has also undertaken to fulfill any other formality pointed out by Estate Office, U.T., Chandigarh, within period of two months in order to get his site restored. The copy of the application along with the affidavit, has been supplied to the counsel for Union Territory. Mr. Raina says that undertaking as given by the Petitioner would satisfy the requirement. However, counsel points out that the Petitioner must adhere to the undertaking given by him before this Court strictly. The Petitioner is present in person before the Court and he undertakes that he will strictly abide by the undertaking given before this Court in the form of an affidavit.

4. In view of above noted position, the writ petition is, allowed and the resumption order is set aside. The Petitioner will ever remain bound by the undertaking given by him before this Court and any violation of undertaking would lead to revival of the resumption order, which is being set aside by this order.