

**(1997) 05 P&H CK 0011**  
**In the Punjab And Haryana At Chandigarh**  
**Case No : Civil Writ Petition No. 8640 of 1996**

Rajinder Singh

APPELLANT

Vs

U.T. Chandigarh and Others

RESPONDENT

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**Date of Decision :** 12-05-1997

**Acts Referred:**

Chandigarh Milk Colony Allotment of Sites Rules, 1975 — Rule 15

**Citation :** (1998) 119 PLR 671 : (1998) 2 RCR(Civil) 432

**Hon'ble Judges :** N.C. Khichi, J;G.S. Singhvi, J

**Bench :** Division Bench

**Advocate :** R.S. Dass, for the Appellant; Subhash Goyal, for the Respondent

**Final Decision :** Allowed

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## Judgement

G.S. Singhvi, J.—Challenge to the orders Annexures P3, P4 and P6 passed respectively by the Assistant Estate Officer (exercising the powers of Estate Officer), Chandigarh, the Chief Administrator and the Adviser to the Administrator, Union Territory, Chandigarh, which have been impugned in this writ petition has more or less become academic in view of the developments which have taken place during the pendency of the writ petition.

2. A look at the order Annexure P3 shows that the Assistant Estate Officer had initiated action against the petitioner under Rule 15 of the Chandigarh Milk Colony Allotment of Sites Rules, 1975. It was alleged that the petitioner had not constructed building within a period of one year from the date of allotment and, therefore, his lease was liable to be cancelled. The Assistant Estate Officer did not feel satisfied with the explanation submitted by the petitioner and cancelled the lease granted to the petitioner. The Chief Administrator and the Adviser to the Administrator confirmed the order passed by the Assistant Estate Officer subject to certain conditions.

3. Notice of motion was issued in this petition on 10.6.1996 and the operation of the order Annexure P3 was stayed. When the case came up for hearing on

7.1.1997, the counsel for the respondents produced the inspection report prepared by the Junior Engineer showing that the petitioner has constructed the building but the same was contrary to the sanctioned plan. Counsel for the petitioner sought time for removal of the violations. On 27.1.1997, the Court noticed that the petitioner has failed to remove the violations in their totality. Counsel for the respondents also submitted that violations have not been removed by the petitioner. Notwithstanding this, the Court granted time to the petitioner to remove the violations subject to payment of costs of Rs. 5,000/- to the respondents. On 5.2.1997 further time was granted to the petitioner to remove the violations subject to payment of costs of Rs. 5,000/-.

4. Today, the learned counsel for the respondents stated that all the violations have been removed by the petitioner.

5. In view of the fact that the petitioner has already raised construction and the violations pointed out by the Administration have been completely removed, it must be held that the ground on which the orders, Annexures P3, P4 and P6 were passed no more exists.

6. Consequently, we allow the writ petition and quash the orders, Annexures P3, P4 and P6. However, for having dragged the Administration into litigation, the petitioner is directed to pay further costs of Rs. 5,000/- within a period of one month. We also make it clear that the respondents shall be free to initiate fresh action for cancellation of the lease and resumption of the property if in future the petitioner indulges in any violation of the building plan or the rules and regulations framed by the respondents.