
(2001) 04 P&H CK 0004
In the Punjab And Haryana At Chandigarh
Case No : Civil Writ Petition No. 2213 of 2000

Sh. B.N. Kataria and Others	Vs	APPELLANT
The Union Territory and Others		RESPONDENT

Date of Decision : 18-04-2001

Acts Referred:

Capital of Punjab (Development and Regulation) Act, 1952 — Section 8A

Citation : (2002) 4 RCR(Civil) 24

Hon'ble Judges : N.K. Sud, J;Jawahar Lal Gupta, J

Bench : Division Bench

Advocate : S.K. Jain, for the Appellant; Subhash Goel, for the Respondent

Final Decision : Allowed

Judgement

Jawahar Lal Gupta, J.—The petitioner purchased an industrial plot in July, 1980. An industrial shed was constructed. The site was let out.

The tenant raised some construction in violation of the building bye-laws. On February 16, 1994 the petitioner was given a notice to show cause as

to why the site be not resumed. Vide order dated 1, 1997, a copy of which has been placed on record as Annexure P-5, the Estate Officer

ordered the resumption of the site. Aggrieved by the order, the petitioner filed an appeal which was dismissed vide order dated May 14, 1999. A

revision petition was filed along with an application for condonation of delay. However, the revision petition was dismissed on the ground of

limitation vide order dated December 2, 1999. Copies of the order passed by the appellate and the revisional authorities are at Annexures P-6 and

P-9 respectively. The petitioner alleges that these orders are arbitrary and illegal. He prays that the orders at Annexures P-5, P-6 and P-9 be

quashed.

2. A written statement has been filed on behalf of the respondents. Alongwith the written statement, a report of inspection has been produced as

Annexure R-I. It is not disputed that most of the violations have been removed. The existing violations can be rectified.

3. Counsel for the parties have been heard.

4. Mr. Jain, appearing for the petitioner contends that the impugned orders are wholly arbitrary and unfair. The petitioner had complained against

the tenant and pointed out that he was not responsible for the violations. Despite that the extreme penalty of resumption of site was imposed. The

claim made on behalf of the petitioner has been controverted.

5. After hearing counsel for the parties, we find that the alleged violations were not such so as to attract the extreme penalty of resumption. In any

event, most of the violations have been removed. The violations which are alleged to be in existence can be compounded or rectified.

6. In view of the above noted position, we set aside the orders of resumption, copies of which are at Annexures P-5, P 6 and P-9 respectively.

Mr. Jain states that the petitioner shall submit a revised plan within 3 months. If the plan is submitted, the competent authority shall consider and

decide the matter within 3 months thereafter.

7. The writ petition is disposed of accordingly. No costs.