

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

C.W.P. No. 20549 of 2014
Date of Decision: October 01, 2014

Gaurav Mahajan

... Petitioner

Versus

Municipal Corporation, Amritsar and others

... Respondents

CORAM: HON'BLE MR. JUSTICE PARAMJEET SINGH

Present: Mr. Vishal Sodhi, Advocate,
for the petitioner.

Paramjeet Singh, J. (Oral)

Instant petition has been filed under Articles 226/227 of the Constitution of India for issuance of a writ, order or direction in the nature of mandamus directing respondent nos. 1 and 2 not to allow respondent no.3 to raise illegal and unauthorized construction in violation of the Punjab Municipal Corporation Act, 1976.

Learned counsel for the petitioner submits that the petitioner has already moved a representation dated 24.09.2014 (Annexure P/4) for cancellation and withdrawal of sanction of building plan accorded to respondent no.3.

I have heard learned counsel for the petitioner and perused the record.

From the perusal of representation (Annexure P/4), it is clear that respondent no.3 – Jagmohan Singh, who happens to be purchaser of house, is constructing the same after getting the site plan sanctioned from the competent authority. The averment to this effect has been made in the petition.

The petitioner can bring to notice of the authorities violations committed by respondent no.3. In the alternative, still if building plan is considered to have been validly sanctioned, then the petitioner can prefer an appeal in accordance with law. Furthermore, the petitioner has already filed a civil suit, as is clear from representation (Annexure P/4). Once civil suit has been filed by the petitioner, he is at liberty to raise all the grounds before the Civil Court. Present writ petition is not maintainable.

In view of this, I do not find any ground to issue direction as prayed for.

Dismissed.

October 01, 2014
vkd

[Paramjeet Singh]
Judge