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

**CWP-12190-2019
Date of Decision: 03.09.2026**

Kartar Singh

.... Petitioner

Versus

Chandigarh Administration and others

..... Respondents

**CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI
HON'BLE MR. JUSTICE PRAVINDRA SINGH CHAUHAN**

Present: Mr. Munish Thakur, Advocate for the petitioner.

Mr. Rakesh Sobti, Addl. Standing Counsel, U.T., Chandigarh &
Mr. Nikhil Vats, Junior Panel Counsel,
for the respondents/Chandigarh Administration.

JASGURPREET SINGH PURI, J. (ORAL)

1. The present writ petition has been filed under Articles 226/227 of the Constitution of India seeking issuance of a writ in the nature of *certiorari* for quashing the Notice for Misuse dated 17.09.2018 (Annexure P-7) issued by the Estate Officer, U.T. Chandigarh being illegal, arbitrary and contrary to the Chandigarh (Sale of Sites and Building) Rules, 1960 read with Notification dated 31.03.2006 (Annexure P-3) and considering the fact that the case of the petitioner is squarely covered by the judgment dated 15.02.2012 (Annexure P-4) passed by a Division Bench of this Court in **CWP-16484-2009** titled '**Shri Sham Lal Sharma vs. Union of India and Others**', which held that allottees of commercial sites are permitted to use the sites for any purpose mentioned in Schedule II of the said Rules in terms of the Notification dated 31.03.2006. Further prayer of the petitioner is for issuance of directions restraining the respondents from repeatedly issuing Notices for Misuse, when the issue has already been settled by the aforesaid judgment and considering the fact that the petitioner has filed multiple replies (Annexures P-6, Colly.) bringing the



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aforesaid judgment to the notice of the respondents.

2. Learned counsel for the petitioner submitted that a Notice for Misuse dated 17.09.2018 (Annexure P-7) was issued to the petitioner by the Sub-Divisional Magistrate (East), Exercising the Powers of the Estate Officer, U.T., Chandigarh and thereafter, repeated notices have been issued. The petitioner has filed various replies thereto, but no decision has been taken by the Sub-Divisional Magistrate (East) on the allegation regarding carrying out of trade.

3. At this stage, Mr. Rakesh Sobti, learned Addl. Standing Counsel appearing for the respondent/U.T., Chandigarh submitted that he has instructions to state that the matter pertaining to the petitioner in which show-cause notice was issued to the petitioner is now fixed for hearing on 09.09.2026. He further submitted that the petitioner may file a comprehensive reply taking all permissible pleas including reliance upon any judgment and the reply so filed by the petitioner will be duly considered by the Sub-Divisional Magistrate (East) and thereafter, a final order will be passed within a period of two months from today.

4. Learned counsel for the petitioner submitted that in view of the aforesaid statement made by learned counsel for the U.T., Chandigarh, the present petition may be disposed of as such.

5. Disposed of accordingly.

(JASGURPREET SINGH PURI)
JUDGE

03.09.2026
Bhumika

(PRAVINDRA SINGH CHAUHAN)
JUDGE

1. Whether speaking/reasoned:	Yes/No
2. Whether reportable:	Yes/No