

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

Civil Writ Petition No.12255 of 2014

Date of Decision: September 24, 2015

Surinder Kumar and othersPetitioners

versus

State of Punjab and anotherRespondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT.
HON'BLE MR.JUSTICE P.B.BAJANTHRI.

Present: Mr.Mohit Jaggi, Advocate, for the petitioners.
Mr.Rajesh Bhardwaj, Additional AG, Punjab.
Mr.Shekhar Verma, Advocate, for respondent No.2.

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1. Whether Reporters of Local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

Surya Kant, J. (Oral)

The multiple problems faced by the farmers-cum-proprietors of the land adjacent to the Air Force Station in SAS Nagar Mohali as well as the operational difficulties caused to the Air Force Authorities drew attention of this Court in the order dated September 14, 2012 passed in CWP No.21074 of 2011 (Kulwinder Singh versus State of Punjab and others. This Court held as follows:-

“.... We have seen the site plan (Annexure R-9) depicting the location of different pockets. We are fully satisfied that if the buildings are allowed to be constructed in a haphazard manner as appears to have been done in the past, it will obstruct the works of defence and will also be detrimental to the Air Force

Station. No fault, thus, can be found with the action sought to be taken by the authorities for demolition of the unauthorized and illegal buildings constructed for residential/commercial purposes. However, this shall not preclude the land owners for using the subject land for agricultural or allied purposes. It necessary means that the land owners shall be entitled to raise construction of small size cattle sheds also though away from the 'emergency gate(s)' of the Air Force Station. Similarly, as a result of the restrictions imposed by the authorities, the land owners are undoubtedly entitled for compensation in accordance with the provisions of 1903 Act and they shall be at liberty to seek such compensation in accordance with law.....”.

In purported compliance of that order, the Greater Mohali Area Development Authority (GMADA) has issued show cause-notices to the petitioners and other persons like dated 20.06.2014 (P-12) asking them to stop the commercial activities and demolish the construction etc.

The petitioners have rushed to this Court against those show cause notices.

In our considered view, the proper recourse for the petitioners would be to reply the show-cause notices and satisfy the authorities that the structures raised by them are not beyond the limits fixed by this Court vide order dated 14.09.2012.

We grant liberty to the petitioners to submit their

respective replies within two weeks.

The Chief Administrator, GMADA shall constitute a team who shall visit every site so as to ensure that the constructions comprising small cattle sheds for the pet animals are protected and not any additional construction beyond the small size cattle sheds. The authorities will be at liberty to issue demolition orders if the constructions are found beyond the limits allowed by this Court.

Ordered accordingly.

Dasti.

[SURYA KANT]
JUDGE

September 24, 2015
mohinder

[P.B.BAJANTHRI]
JUDGE