

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

Civil Writ Petition No.18294 of 2015

Date of Decision: August 31, 2015

Daljit Singh

.....Petitioner

versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT.
HON'BLE MR.JUSTICE JASPAL SINGH.

Present: Mr.S.S.Salar, Advocate, for the petitioner.

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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 petitioner is aggrieved by the order dated 27.05.2015 (P-25) whereby the Executive Engineer, Central Works Division No.3 PWD (B&R) Branch, Ludhiana, has directed him to demolish/remove the unauthorized construction raised on Ludhiana-Malerkotla-Sangrur Road Km.06+350 which is a notified Scheduled Road and is State Highway No.11.

The petitioner had earlier also approached this Court in CWP No.18256 of 2014 challenging the order of demolition and this Court intervened at that time as the order for demolition was passed without issuing show-cause notice. Thereafter, the petitioner was served with a show-cause notice and in response thereto, he is claimed to have applied for sanctioning of the building-plan of the shop already constructed.

In our considered view, such an approach adopted by the petitioner is impermissible in law as he cannot first raise the construction and then seek its permission/sanction. Once the road is notified as a Scheduled Road, no permanent construction can be raised unless approved by the Competent Authority.

No case to interfere with the impugned order is made out. Dismissed.

The petitioner may, after removing the unauthorized construction, seek permission of the Competent Authority for renovation/repair/re-construction of the shop.

Ordered accordingly.

Dasti.

[SURYA KANT]
JUDGE

August 31, 2015
mohinder

[JASPAL SINGH]
JUDGE