

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

Civil Writ Petition No.24743 of 2012
Date of Decision: November 30, 2015

Paramjit Singh and othersPetitioners

versus

The State of Punjab and othersRespondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT.
HON'BLE MR.JUSTICE HARI PAL VERMA.

Present: Mr.N.K.Bansal, Advocate, for the petitioners.
Mr.Rajesh Bhardwaj, Additional AG, Punjab.
Mr.Rupinder S.Khosla, Senior Advocate with
Mr.Sarvesh Malik and Mr.Aman Sharma, Advocates,
for respondent Nos.2 & 3.
Mr.Bipan Sharma, Advocate,
for respondent Nos.4 & 5.

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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 petitioners seek quashing of the ejectment orders/notices dated 08.12.2003 (P-16) and 18.09.2012 (P-18) as well as some other orders passed by the respondent-authorities in respect of Plot No.C-13, Industrial Area, Phase-I, SAS Nagar, Mohali. They also seek a direction to restore the allotment of subject-plot in their favour.

[2] While issuing notice of motion on 13.12.2012, statu-quo was ordered to be maintained and respondent Nos.2

& 3 were asked to submit a status report regarding the year of completion of construction and commencement of industrial activities by the petitioners. Thereafter, status-reports were submitted from time to time. On 3rd September, 2015, this Court directed the Estate Officer, GMADA, to obtain site inspection report and apprise the Court.

[3] In compliance to the order dated 03.09.2015, Ms.Rajdeep Kaur, Estate Officer, GMADA, has filed the status-report which is taken on record. As per the said report, unauthorized constructions comprising two small rooms measuring 7'.6" x 6'.00" and 9'.00" x 8'.3" are still existing at the site.

[4] Learned counsel for the petitioners states that these rooms have been constructed by the Electricity Department for installation of Transformers. He, however, undertakes that after informing and/or with prior permission of the Electricity authorities, both rooms shall also be demolished and an affidavit to this effect alongwith photographs shall be submitted to the Estate Officer, GMADA, who may then verify the facts, if need be. We direct the Electricity Department to do the needful as soon as the petitioners would approach them.

[5] On removal of the alleged unauthorized construction consisting two rooms, there remains no legal impediment against restoration of the site in favour of the petitioners. We thus allow this writ petition conditionally to the extent that no sooner the above-stated two rooms are demolished, the subject site shall be restored to the petitioners who shall then be required to complete the construction in accordance with the sanctioned site-plans,

within one year, failing which the authorities shall be at liberty to proceed against them in accordance with law.

[6] Ordered accordingly.

[7] Dasti.

[SURYA KANT]
JUDGE

November 30, 2015
mohinder

[HARI PAL VERMA]
JUDGE