

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.19612 of 2014

Date of Decision:- 17.11.2015.

Surinder Singh and another

.....Petitioners

Versus

State of Punjab and others

.....Respondents

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

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?

Present: Mr. Tribhawan Singla, Advocate for the petitioners.

Mr. Rajesh Bhardwaj, Additional A.G. Punjab.

Mr. Arvind Mittal, Advocate for respondent Nos.2 to 4.

SURYA KANT, J. (ORAL)

1.) The petitioners impugn the orders dated 4.12.2013 and 21.4.2014 whereby the Authorities including the Patiala Urban Planning and Development Authority have declined to regularize or accord sanction to the unauthorized and illegal construction raised by the petitioners on a residential plot located in the AIR AVENUE, Kheri Gujran Officers Colony, Patiala. The petitioner applied for regularization of the aforesaid construction purportedly under the Government policy dated 21.8.2013, which has been issued for the regularization of unauthorized colonies/constructions.

2.) The respondents have filed their written statement along with statutory notifications issued under the Punjab Regional and

Town Planning and Development Act, 1995 as well as under Section 9-A of the Aircraft Act, 1934, *inter alia*, pointing out that the unauthorized construction raised by the petitioner falls within the restricted zone. We find from the photographs on record that the construction raised by the petitioner is very close to the 'runway' at Patiala and which is presently managed by the Patiala Aviation Club.

3.) As the location of the petitioner's construction is likely to endanger the take off and landing of the small scale planes kept by the Club for training purposes and/or the regular flights, if introduced in future, the action of the authorities in declining the regularization of such like construction is fully justified.

4.) There is, thus, no reason to interfere with the impugned orders.

5.) This order, however, does not mean that we have approved the Government policy dated 21.8.2013 which *prima facie* militates against the provisions of various State Legislations prohibiting unregulated development in and around the existing townships. Similarly, the said policy also appears to be in conflict with the provisions of Aircraft Act, 1934 or such like other Central Legislations. The question of validity of the said policy is thus kept open.

(SURYA KANT)
JUDGE

(P.B. BAJANTHRI)
JUDGE

November 17, 2015.

sandeep sethi