

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

CWP No.3 of 2018
Date of decision: 01.01.2018

M/s G.S. Majestic Developers Pvt. Ltd.

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present : Mr. S.P.S. Sidhu, Advocate, for the petitioner.

SUDHIR MITTAL, J. (Oral)

The present writ petition has been filed with the prayer that appropriate notice under the Punjab Municipal Corporation Act, 1976 or the Punjab Regional and Town Planning and Development Act, 1995 be given before taking any action against the mall of the petitioner known as Grand Walk Mall at Ferozepur Road, Ludhiana.

According to the petitioner, construction of the mall was completed in the year 2012 after taking all necessary permissions and submission of requisite plans. However, some violations were detected and the same were compounded by payment of Rs.20,32,188/- on 09.10.2013, receipt Annexure P6 is annexed. However, even though no violation was in existence, a part of the pavement of the mall was demolished at night on 13.08.2017 without giving any notice to the petitioner. On the next day i.e. 14.08.2017, a notice under Section 274 of the Punjab Municipal

Corporation Act, 1976 was issued alleging that the 6th floor of the mall was illegal. CWP No.18289 of 2017 was filed by the petitioner challenging the said notice. During the course of hearing of the writ petition, it was accepted by the Municipal Corporation, Ludhiana that the notice impugned was without jurisdiction and consequently, the writ petition was disposed of vide order dated 08.11.2017 (Annexure P10).

It is now contended that the petitioner apprehends that the mall will be demolished/sealed without issuance of notice as required under the law. Keeping in view the apprehension of the petitioner, the present writ petition is disposed of with direction to respondent No.2 not to take any coercive steps i.e. demolition/sealing of the mall without giving appropriate notice as required under the law and without taking into consideration any reply thereto which may be filed by the petitioner.

01.01.2018
ashok

(SUDHIR MITTAL)
JUDGE

Whether speaking/reasoned:	Yes / No
Whether reportable:	Yes / No