

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

CWP-2042-2020

Date of decision : 17.03.2020

Dharmasila Devi & ors.

....Petitioners

V/s

State of Punjab & ors.

....Respondents

**CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA
HON'BLE MR. JUSTICE KARAMJIT SINGH**

Present: Mr. Ajaivir Singh, Advocate for the petitioners.

Mr. Sahil Sharma, DAG Punjab.

Mr. Rupinder S. Khosla, Sr. Advocate with
Mr. Sarvesh Malik, Advocate for respondent no. 3.

Mr. Vivek Khatri, Advocate for respondent no. 5.

Mr. Pankaj Jain, Senior Standing Counsel with
Mr. Anil Mehta, Additional Government Pleader-UT Chd.

RAJAN GUPTA J. (ORAL)

Petitioners seek a writ in the nature of certiorari for quashing notice of the demolition dated 10.01.2020, Annexure P-4 (colly) issued to them by respondent - Additional Chief Administrator, GMADA. Learned counsel for the petitioners submits that petitioners are residents of revenue estate of village Behlolpur who have purchased their respective land/houses by executing valid sale-deeds. Same have been duly registered by Sub Registrar, Mohali. On the basis of same, mutation has also been effected by the revenue authority and name of the petitioners have been incorporated in the revenue record. According to him, State of Punjab has already formulated a policy for the regularization of plot/buildings (Annexure P-3) falling under the unauthorized colonies and petitioners are covered under the said policy. Thus, impugned notice(s) deserve to be set-aside.

Respondents have refuted the plea. They submit that there is nothing to show that land/houses owned by the petitioners fall within any Municipal area. Thus, their plea for regularization in terms of the Policy Annexure P-3 deserves to be rejected.

Heard.

Clause 4 of the Policy, Annexure P-3 reads as under:-

*“4. **Applicability of Policy** – This policy shall be applicable from the date of its publication in the official Gazettee in the entire State of Punjab, including municipal limits falling under the Punjab New Capital (Periphery) Control Act, 1952. However, the policy shall not be applicable in the remaining area covered under the Punjab New Capital (Periphery) Control Act, 1952. This policy shall also not be applicable to a colony comprised of apartments.”*

Admittedly, petitioners do not fall within the municipal area. Even the averments made in the petition, they have clearly stated that village Behlolpur in Punjab does not fall within the limits of any municipality. With the passage of time, many residents have purchased land and raised constructions thereon in view of close proximity of the village to the Union Territory, Chandigarh. As per Clause 4 of the Policy above, same is not applicable to the area which does not fall within any Municipality covered under the Punjab New Capital (Periphery) Control Act, 1952. Thus, this court does not find any infirmity with the notice(s), Annexure P-4 (colly) issued by the respondents. Petition is, thus, without any merit and is hereby dismissed.

(RAJAN GUPTA)
JUDGE

March 17, 2020
Ajay

(KARAMJIT SINGH)
JUDGE

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