

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

* * *

CWP-4066-2019 (O&M)

Decided On: 14th October, 2020

KANTA DEVI AND OTHERS

.....PETITIONERS

VERSUS

STATE OF PUNJAB AND OTHERS

.....RESPONDENTS

**CORAM: JUSTICE S. MURALIDHAR
JUSTICE AVNEESH JHINGAN**

Present: Dr. Anmol Rattan Sidhu, Senior Advocate with
Mr. Harlove Singh, Advocate for the Petitioners.

Ms. Sudeepti Sharma, Addl. Advocate General, Punjab.

Mr. Vivek Khatri, Advocate for the Applicant/Respondent No.5.

Dr. S. Muralidhar, J.

CM-5209 of 2019

1. This is an application filed by the '39 West Residents Welfare Association' seeking impleadment in the writ petition as Respondent No.5.

2. Having heard learned counsel for the parties, and for the reasons stated in the application, it is allowed and the applicant is impleaded as Respondent No.5 in the writ petition. The amended memo of parties is taken on record.

CWP-4066-2019 with CM-5210-2019 and 8863-2020

3. CM-8363-2020 is an application by Respondent No.5 seeking the disposal of the writ petition in terms of order dated 17th March, 2020 passed by a Division Bench of this Court in CWP No. 2042 of 2020.

4. CWP No. 2042 of 2020 was filed by one set of residents in relation to the same colony in village Behlolpur, seeking reliefs identical to the ones being sought in the present petition viz., for quashing the notice of demolition and holding that the Petitioners are covered by the policy framed by the State Government for regularization of plots, which form part of unauthorized colonies.

5. CWP-2042-2020 was dismissed by the Division Bench by an order dated 17th March, 2020 after noting Clause 4 of the policy and further noting that the unauthorized colony in question in Village Behlolpur, does not fall within municipal area. The said order dated 17th March, 2020 was challenged in the Supreme Court by way of SLP (C) 8523 of 2020. On 27th July, 2020, the said SLP was dismissed as withdrawn. Thus, the order dated 17th March, 2020 passed by this Court in CWP-2042-2020 has attained finality.

6. Dr. Anmol Rattan Sidhu, learned Senior Counsel appearing for the Petitioners attempted to distinguish the present petition from the aforesaid CWP-2042-2020 by submitting that the present petitions challenge the government policy in question. The Court is unable to find any prayer to that effect in the present petitions. On the other hand, the prayer seeks application of the policy to the Petitioners without discrimination. This was the prayer in CWP-2042-2020 as well. The Court is, therefore, of the view that there no distinguishable features which would warrant the present Petitioners being treated differently from those in CWP-2042-2020.

7. Accordingly, the petition is dismissed for the reasons stated in this Court's order dated 17th March, 2020 in CWP-2042-2020.

(S. MURALIDHAR)
JUDGE

(AVNEESH JHINGAN)
JUDGE

14th October, 2020
sham

Whether speaking/reasoned:
Whether Reportable:

Yes/No
Yes/No