

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

104+207

CM No.2826 of 2021 and
Civil Writ Petition No.8528 of 2020

Date of Decision: February 23rd, 2021

Manjit Kaur Choudhry

...Petitioner

Versus

State of Punjab and others

...Respondents

**CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH
HON'BLE MR. JUSTICE ASHOK KUMAR VERMA**

Present: Mr. Vikram Singh Chahal, Advocate
for the applicant-petitioner.

Mr. Avinit Avasthi, Assistant Advocate General, Punjab.

Mr. Sahil Sharma, Advocate
for respondents No.2 and 3-GMADA.

AUGUSTINE GEORGE MASIH, J. (ORAL)

CM No.2826 of 2021

Prayer in this application is for placing on record the replication to
the reply filed by the respondents.

Application is allowed.

Replication is taken on record.

CWP No.8528 of 2020

Petitioner, who is a senior citizen, is aggrieved because of the
action of the respondents, whereby initially because of the inability on the part
of the petitioner to pay the instalments as also for unauthorized construction
done (front and back boundary, store in backyard), allotment in favour of the
petitioner of House No.HE-271, Phase-I, Mohali, was cancelled vide order
dated 02.12.1992 (Annexure P-4) by the Estate Manager for
Housing Development Commissioner. It is thereafter when the eviction

proceedings were initiated and the eviction order was passed that the petitioner approached the respondents by filing an appeal. The said appeal of the petitioner was dismissed on 25.05.2006 (Annexure P-8). Thereafter the petitioner preferred a revision petition before the Joint Secretary to Government of Punjab, Department of Housing and Urban Development, Chandigarh-cum-Revisional Authority under the Punjab Regional and Town Planning and Development Act, 1995, which revision was also dismissed on 04.05.2010 (Annexure P-11). Petitioner thereafter, in the light of the policy of the Greater Mohali Area Development Authority, Mohali (GMADA), made an effort and approached the respondents for compounding of the irregularities, which were relatable to the construction after demolishing the unauthorized construction.

2. It is an admitted case in the reply, which has been filed that the unauthorized constructions were removed in the year 2017 and that a compounding fee although was required to be submitted by 31.12.2017 but the same could not be submitted by the petitioner because of the fact that there was cancellation of the allotment letter and an eviction order against her. The factum that the petitioner had cleared all the dues and nothing is pending against her as also the removal of unauthorized construction stands admitted by the respondents.

3. Having considered the submissions made by the counsel for the parties and keeping in view the peculiar facts and circumstances of this case, where it is apparent that the petitioner had been making all efforts to bring the illegal constructions, which have been made by her, in consonance with the requirement of law but because of certain aspects which were beyond her control, she could not get the relief of the policy of

compounding for the irregularities in the constructions, exercising our equitable jurisdiction in the peculiar aspects of this case keeping in view that the petitioner is a senior citizen and has the sole Economically Weaker Section house, where she is residing and has also cleared all the dues and as of now, there is no illegal construction and if there was any, the same had been removed prior to the ceaser of the operation of the policy for regularization of illegal constitution by compounding, the present petition is allowed.

4. Order of eviction dated 29.10.2003 (Annexure P-6) as well as the order dated 02.12.1992 (Annexure P-4) cancelling the allotment of House No.HE-271, Phase-I, Mohali, are hereby set aside. As a consequence of the above, all consequential proceedings and orders passed thereafter are also set aside. The amount which has been deposited by the petitioner as compounding fee shall be retained by the respondents No.2 and 3-GMADA.

(AUGUSTINE GEORGE MASIH)
JUDGE

February 23rd, 2021
Puneet

(ASHOK KUMAR VERMA)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No