

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

109

**CWP-24553-2021
Date of decision: 03.12.2021**

GURBHAG SINGH

....Petitioner

Versus

STATE OF PUNJAB AND ANOTHER

...Respondents

**CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA
HON'BLE MR. JUSTICE VINOD S. BHARDWAJ**

Present : Mr. Surender Dhull, Advocate
for the petitioner.

TEJINDER SINGH DHINDSA. J. (ORAL)

This case has been taken up through Video Conferencing via Webex facility in the light of Pandemic Covid-19 situation and as per instructions.

Challenge in the instant petition is to the communication dated 04th October, 2021 (Annexure P-6) passed by Estate Officer (Regulatory), GMADA, SAS Nagar, in terms of having not entertained the application of the petitioner with regard to regularization of a colony namely Jogindra Enclave situated at Village Mirpura, P.O. Jarout, Tehsil Dera Bassi, District SAS Nagar.

The case projected by learned counsel on behalf of the petitioner is that a Notification had been issued on 18th October, 2018 by the Department of Housing and Urban Development providing for compounding of unauthorized colonies and for regularization of the plots/buildings falling under unauthorized colonies.

It is argued that an application had been submitted under such notification/policy dated 18.10.2018 (Annexure P-1) along with requisite fee within the stipulated time frame and inspite thereof, the same has not been entertained. In support of such contention, counsel has invited our attention to document placed on record at Annexure P-4, reflecting the receipt of the application for regularization of an unauthorized colony vide Diary No.30118 dated 31st January, 2020 in the office of the Chief Administrator, PUDA, SAS Nagar.

We have heard counsel at length and have perused the pleadings on record.

Clause 8 of the Notification dated 18th October, 2018 (Annexure P-1) governs the procedure for regularization of unauthorized colonies. Clause 8.1 would be relevant to the issue at hand and the same reads as follows:-

'8.1 Submission of Application:- An application for regularization of a colony may be submitted by the developer or by Residents Welfare Association of the colony (hereafter referred to as applicant), along with layout plan superimposed with Khasra details on the prescribed application as annexed with the following documents (8 copies) to the Estate Officer (Regulatory) of the concerned authorities of the colonies outside Municipal Limits and Executive officer of the concerned municipality for the colonies with in municipalities.'

It clearly emerges that for a claim to be lodged by the petitioner-herein seeking regularization of an unauthorized colony, the prescribed application along with supporting documents had to be submitted to the concerned Estate Officer (Regulatory) i.e. GMADA Mohali (SAS Nagar).

Even as per the pleaded case of the petitioner himself, the application had been submitted on 31st January, 2020 not before the Estate Officer (Regulatory) GMADA Mohali, but in the office of Chief Administrator, PUDA.

It is precisely for such reason that the impugned order at Annexure P-6 has been passed.

At this stage, counsel would make an attempt to raise a plea of discrimination. It is submitted that there are numerous instances where applications had been submitted before the Office of Chief Administrator, PUDA and inspite thereof, the same had been entertained.

Such submission advanced during the course of hearing is not substantiated in terms of averments made in the petition. No such instance has been cited in the writ petition and neither has any document/material in such regard been placed on record.

We find such submission to be wholly misplaced.

The impugned communication at Annexure P-6 is strictly in terms of Clause 8.1 of the Notification dated 18th October 2018 at Annexure P-1.

In our considered view, no interference is warranted.

Petition is dismissed.

(TEJINDER SINGH DHINDSA)
JUDGE

(VINOD S. BHARDWAJ)
JUDGE

03.12.2021

S.Sharma(syr)

Whether speaking/reasoned

: *Yes/No*

Whether reportable

: *Yes/No*