

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

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CWP-10773-2016 (O&M).

Date of Decision: 19.04.2022.

Verinder Singh and others

....Petitioners.

Versus

GMADA and others

....Respondents.

**CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH
HON'BLE MR. JUSTICE LALIT BATRA**

Present: Mr. Sameer Sachdeva, Advocate for the petitioner.

Mr. V.G. Jauhar, Senior Deputy Advocate General, Punjab.

Mr. R.S. Khosla, Senior Advocate, with
Mr. Sarvesh Malik, Advocate for respondent-GMADA.

Mr. Raghujeet Singh Madaan, Advocate
for respondent-NHAI.

Amol Rattan Singh, J. (Oral)

All learned counsel appearing for the parties are *ad idem* that the matter in question is covered by the judgment/order of this court dated 03.02.2020, passed in CWP No.40368 of 2018 and connected petitions, with the operative part of that order reading as follows:-

“On a query being put to Mr. Khosla, learned counsel representing GMADA, he fairly submits that local planning area has not been extended after 30.06.2018 though a communication to this effect has been sent to the Government. On the statement made by Mr. Khosla, this court has no option but to infer that there is no master-plan under Section 70 or regional planning area as per Section 56 of the PUDA Act for the area, in question, wherein construction has been raised by the petitioners. He has, however, pointed out that the construction may violate certain provisions of different statutes

such as the Punjab Scheduled Road & Controlled Area Restriction of Unregulated Development Act, 1963 and the Punjab Ancient and Historical Monuments and Archaeological Sites and Remains Act, 1964.

In the instant petitions, however, we are called upon to deal with the order passed by Additional Chief Administrator, GMADA and the action proposed to be taken pursuant to directions given in the order reproduced above. We are of the considered view that in view of the conceded position that there is neither master-plan nor regional planning area is notified for the land, in question, the order passed by the Additional Chief Administrator, GMADA is unsustainable in law. Same is hereby quashed. Needless to observe that this order will not bind the other authorities which may find that the construction is in violation of some other provisions. They shall be at liberty to act as per law. Allowed in these terms.”

Thus, this petition is also disposed of in the same terms, with obviously the observations made in the last part of the order also to equally apply, i.e. if any of the authorities find that the construction made by the petitioners in the present case is in violation of any other statutory provisions as were not specifically referred to in that order, naturally they would be at liberty to take action as per law.

(AMOL RATTAN SINGH)
JUDGE

(LALIT BATRA)
JUDGE

19.04.2022

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Whether speaking/ reasoned	:	Yes/ No
Whether Reportable	:	Yes/ No