

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

CM-7285-CWP-2022 in/and CWP-12762-2016 (O&M)

Date of decision : 26.07.2022

Parvasi Bhalai Sangathan

.....Petitioner

Versus

Union Territory, Chandigarh and others

....Respondents

CORAM: HON'BLE MR. JUSTICE RAVI SHANKER JHA, CHIEF JUSTICE
HON'BLE MR. JUSTICE ARUN PALLI

Present: Mr. Tajeshwar Singh Sullar, Advocate,
for the petitioner.

Mr. Anil Mehta, Sr. Standing Counsel, UT Chandigarh, with
Ms. Aakanksha Sawhneh, Addl. Standing Counsel,
for the respondents – Union Territory, Chandigarh.

RAVI SHANKER JHA, CHIEF JUSTICE (Oral)

With the consent of learned counsel for the parties, the main case is taken up for hearing today.

This petition has been filed by the petitioner by way of Public Interest Litigation against the steps being taken by the respondent – authorities for removal of encroachments in five Colonies situated in Chandigarh, namely, Colony No.4, Sanjay Colony; Adarsh Colony; Indira Colony; and Sector 25 Janta Colony.

Pursuant to the notice issued by this Court, the Assistant Estate Officer, U.T., Chandigarh, has filed written statement on behalf of the respondents. From a perusal of the same, it is evident that the encroachments were removed from Lal Bahadur Shastri Colony, Colony No.4 barring a part of it and Janta Colony. It is further stated that those who were entitled for rehabilitation have also been rehabilitated.

The written statement filed by the respondents is in the following terms :-

“3. That in reply to para No.3, it is stated that all the jhuggi dwellers entitled under the Chandigarh Small Flats Scheme, 2006 were re-habilitated by the office of answering respondents. The Jhuggis were demolished as per the procedure laid under the Scheme of 2006 (Chandigarh Small Flats Scheme, 2006) and after serving notice of demolition through publication in the Hindi news papers in the Hind Samachar, Danik Bhaskar and Amar Ujala on 13.5.2014. The claims of the applicants were also re-determined as per order dated 17.2.2014 of Hon’ble Punjab & Haryana High Court passed in CWP No. 14507 of 2012 titled Santosh Kumar & Others and order dated 22.12.2014 of Hon’ble Punjab & Haryana High Court passed in CWP No. 2317 of 2014 titled Dinesh Kumar & Others Vs. Chandigarh Administration and as per the notifications issued by the Chandigarh Administration time to time. The demolition was carried out on 29.4.2016 of the unauthorized encroachers who were not eligible for allotment of flat under the Chandigarh Small Flats Scheme, 2006. However, it is imperative to mention here that the unauthorized occupants re-occupied the government land forcibly in the Lal Bahadur Shastri Colony after breaking barbed wire put by the Engineering Department of the Chandigarh Administration. The said unauthorized encroachers were again removed from the government land by demolition drive carried out on 15.11.2016. The barbed wire was again fixed on the spot of Lal Bahadur Shastri Colony to protect the valuable government land from the unauthorized encroachers. The petitioner aggrieved from the said demolition filed a C.M No. 16661 in CWP (PIL) No. 12762 of 2016 wherein the petitioner categorically alleged in his affidavit that the certain officers of the respondent – Administration raided the Lal Bahadur Shastri Colony on

15.11.2016 and they were led by Shri Ajit Balaji Joshi Deputy Commissioner-cum-Estate Officer, U.T., Chandigarh and Shri Sukhchain Singh Gill, Senior Superintendent of Police of Chandigarh Administration. These averments are wrong and hence denied. These two officers were not deputed for the demolition conducted on 15.11.2016. These officers were only requested to provide force/staff for demolition drive. The copy of the order for demolition dated 15.11.2016 is annexed as annexure R-III.

4. That in reply to para No.4 it is stated that some part of Colony No.4 i.e. Block A, B, C & D were rehabilitated by the answering respondent and remaining colony is still existing at the site. However, before demolition of the remaining structure the procedure mentioned in the notification dated 6.9.2006 of the Chandigarh Small Flats Scheme, 2006 shall be followed.

5. That in reply to para No.5, it is stated that colony mentioned at serial number 1 and Sr. No.2 i.e. Adarsh Colony, Sector 54, Chandigarh and Indra Colony, Mani Majra are not notified by the Chandigarh Administration at the time of conducting of Bio-metric survey in the year March, 2006. Only 18 colonies were identified which were existing in the territory of Chandigarh. The list of the 18 notified colonies is annexed as Annexure R-II. However, the Colonies at Sr. 3 to 5 are still existing at site and in regard to Sr. No.4 i.e. Janta Colony Sector 25, Chandigarh had already been demolished from the Government land. The possession of the land had already been handed over to the Punjab University, Chandigarh. The jhuggi dwellers of Janta Colony re-occupied the land in parks/open land of rehabilitated colony in Sector 25, Chandigarh.

6. That the contents of para No.6 are matter of record to the extent that the demolition of Lal Bahadur Shastri Colony was carried out on 29.04.2016 as per procedure laid down in the scheme as per clause 4 (c). Rest of the contents of the para are denied for want of knowledge.”

Learned Senior Standing Counsel for Union Territory, Chandigarh, states that all the encroachments have already been removed and certain individuals aggrieved by the action of the authorities have filed writ petitions, which are pending before this Court.

In view of the aforesaid written statement as well as statement of learned Senior Standing Counsel for Union Territory, Chandigarh, which have not been controverted by learned counsel for the petitioner, we find that nothing further survives for adjudication in this Public Interest Litigation.

The petition is, accordingly, dismissed.

It is, however, observed that individuals, who are aggrieved by the action of the authorities or have any issue to raise, would be at liberty to take up their personal individual issues before the appropriate Forum in accordance with law.

(RAVI SHANKER JHA)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

July 26, 2022
ndj

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