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

CM-3921-CWP-2022 in/and
CWP-16782-2019 (O&M)
Date of decision: 02.05.2023

**Madan Gopal** **.....Petitioner.**

**vs.**

**State of Punjab and others** **.....Respondents.**

**CORAM: - HON'BLE MR JUSTICE AUGUSTINE GEORGE MASIH**
**HON'BLE MR. JUSTICE SANJIV BERRY**

Present: - Mr. S.P.S. Khaira, Advocate, for the petitioner.

Mr. Arjun Sheoran, DAG, Punjab.

Mr. A.S. Brar, Advocate,
for the applicants-respondents No. 3 and 4.

……

**AUGUSTINE GEORGE MASIH, J.**

**CM-3921-CWP-2022**

For the reasons mentioned in the application, reply filed by way of short affidavit dated 02.03.2022, on behalf of respondents No 3 and 4 is taken on record.

**CWP-16782-2019**

The petitioner has approached this Court impugning the order dated 24.04.2019 (Annexure P-5), passed by the Competent Authority-cum-Additional Chief Administrator, Greater Mohali Area Development Authority,

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Mohali -respondent No. 4, issued to the petitioner for removing/demolishing the residential house situated in the Village Jhanjheri, Tehsil Anandpur Sahib, District Roop Nagar, which is asserted to have been passed without any notice. In the reply, which has been filed by way of a short affidavit, it has been stated that earlier the show cause notices have been issued to the petitioner and it is in pursuance thereto when no reply was received that the respondents have proceeded to pass the impugned order. It has also been stated that the order which has been impugned is appealable to the State Government, as provided for under Sub Section 3 of Section 87 of The Punjab Regional and Town Planning and Development Act, 1995, (for short, '*the Act of 1995*').

Learned counsel for the petitioner has brought to the notice of this Court an order dated 03.02.2020, passed by a Co-ordinate Bench in CWP-40368-2018, '*Baljinder Singh and others vs. GAMADA through its Chief Administrator and others*', along with four other matters, wherein, according to the petitioner, on the admission on the part of the counsel for the GAMADA that there was no master plan under Section 70 or regional planning area as per Section 56 of The Haryana Urban Development Authority Act, 1977, for the area in question, the Court has proceeded to interfere in the matter and has set aside the said order as the basic requirement

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of the statute has not been fulfilled. Perusal of the said order would not indicate that the aspect with regard to the statutory appeal being available was either brought to the notice of the Court or was pressed into service. In the reply, which has been filed there is no mention or admission with regard to the Regional Planning Area or the Master Plan and therefore, we would proceed to not exercise our jurisdiction at this stage specially when there is a statutory remedy of appeal provided for under Sub Section (3) of Section 87 of *the Act of 1995*.

The writ petition therefore, stands disposed of relegating the petitioner to the remedy of an appeal as provided in the above mentioned provisions.

**(AUGUSTINE GEORGE MASIH)**
**JUDGE**

**(SANJIV BERRY)**
**JUDGE**

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whether speaking/non speaking yes/no

whether reportable/non reportable yes/no

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