

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

CWP-16740-2023

DATE OF DECISION: 03.08.2023

JAGJEET SINGH

.....PETITIONER

Vs.

STATE OF PUNJAB AND OTHERS

.....RESPONDENTS

**CORAM: HON'BLE MR. JUSTICE G.S. SANDHAWALIA
HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN**

Present: Mr. Mohit Jaggi, Advocate,
for the petitioner.

G.S.SANDHAWALIA, J. (ORAL)

1. This petition has been filed under Article 226/227 of the Constitution of India for issuance of a writ in the nature of '*mandamus*' directing the respondents not to implement the demolition order, dated 19.10.2022 (Annexure P-3), in view of the fact that the appeal dated 07.07.2023 (Annexure P-4) is pending before respondent No. 1.
2. Learned counsel for the petitioner has referred to the provisions of Section 87 (4) (a) of the Punjab Regional and Town Planning and Development Act, 1995 (for short 'the Act of 1995'), that the order would not be implemented till the pendency of the appeal.
3. Notice of motion.
4. On the asking of the Court, Mr. V.G.Jauhar, Additional A.G., Punjab, accepts notice on behalf of the respondents-State.
5. Mr. Jauhar submits that the appeal is pending for consideration before respondent No. 1 for 20.08.2023.

6. The demolition order, dated 19.10.2022 (Annexure P-3), would go on to show that the competent authority also exercised its power under the Punjab New Capital (Periphery) Control Act, 1952, apart from the provisions of the Act of 1995.
7. However, keeping in view the fact that the appeal is pending before respondent No. 1 and the civil rights of the petitioner are involved, it is directed that the appeal be decided within a period of four weeks by the competent authority after receipt of a certified copy of this order.
8. It is made clear that the demolition order, dated 19.10.2022 (Annexure P-3), will be not given any effect till the pendency of the appeal before respondent No. 1.
9. In view of the aforesaid observations, the petition stands disposed of.

(G.S. SANDHAWALIA)
JUDGE

August 03, 2023
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(HARPREET KAUR JEEWAN)
JUDGE

Whether Speaking	Yes
Whether Reportable	No