

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

114

2023:PHHC:112061-DB

CWP-18796-2023

Date of Decision: 28.08.2023

M/s. Sandeep Saw Mill and others

.....Petitioner(s)

Versus

U.T. Chandigarh and others

....Respondent(s)

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

Present: Mr. Maninder Arora, Advocate,
for the petitioners.

G.S.SANDHAWALIA, J. (Oral)

1. The petitioner, in the present writ petition filed under Articles 226 and 227 of the Constitution of India, seeks appropriate decision on the representation dated 03.08.2023 (Annexure P-11) wherein prayer is made to insert the names of applicants in survey list dated 09.01.2018. The same is based on the earlier order passed by this Court in ***CWP-7631-2022, Marble Traders Welfare Association vs. U.T., Chandigarh and another*** decided on 20.07.2023 (Annexure P-10).

2. Apparently, the petitioners have been served the show cause notice dated 30.06.2023 (Annexure P-9) under Section 12(2) of The Punjab New Capital (Periphery) Control Act, 1952, as amended up-to-date. The representation dated 03.08.2023, which is the subject matter of decision in the present writ petition, has already been filed which is in response to the show cause notice already issued on 30.06.2023.

3. Thus, we are of the considered opinion that necessary directions have already been issued by this Court in ***CWP-7631-2022*** wherein, U.T. had also undertaken that the Administration was still open to decide

representations on the basis of the material if duly received to add the names

of the persons in the list so that demolition is not done till the time marble market and other bulk material markets operating at Sarangpur and Dhanas are not relocated to West of Sector 56, Chandigarh which is being developed.

4. Counsel has tried to demonstrate before us from the documents on record that the petitioners were in possession and were already working from the sites in question on Togan Road, Village Dhanas as per various Annexures placed on record.

5. Keeping in view the above, we are of the considered opinion that it is for the authorities to decide the issue and since the representation has already been filed in response to the show cause notice, it is not for this Court to opine as to whether the petitioners are in unauthorized occupation or are entitled for the benefit of continuing on the site in question in view of the undertaking given earlier by the Administration.

6. Resultantly, the present writ petition is disposed of without opining on the merits of the case leaving it open to the competent authorities to pass order appropriate order and also leaving it open to the petitioners to challenge the said order if it is adverse to them.

(G.S. SANDHAWALIA)
JUDGE

28.08.2023
shivani

(HARPREET KAUR JEEWAN)
JUDGE

Whether reasoned/speaking
Whether reportable

Yes
No