

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-3286-2024
Date of Decision: 14.02.2024

Kulwinder Singh and Others

....Petitioners

Versus

State of Punjab and Others

.....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN PALLI
CORAM: HON'BLE MR. JUSTICE VIKRAM AGGARWAL

Present: Mr. H.C. Arora, Advocate, for the petitioners.

Mr. Shekhar Verma, Addl. A.G., Punjab.

VIKRAM AGGARWAL, J.

The petitioners herein have prayed for the following substantive relief:-

“Civil Writ Petition under Article 226 of the Constitution of India, for seeking the issuance of a Writ of Mandamus, or any other appropriate writ, direction or order, for directing the respondent No.2 (Chief Administrator, Greater Mohali Area Development Authority (GMADA), SAS Nagar, Mohali), to decide the Appeal (Annexure P-27) dated 01.05.2023 submitted by the petitioners under Section 82 of the “The Punjab Region and Town Planning and Development Act, 1995”, against the order dated 12.04.2023 (Annexure P-25) passed by the respondent No.3 (Additional Chief Administrator, Greater Mohali Area Development Authority (GMADA), declining to give permission to the petitioners for construction of the Community Centre on the shamlat land of the village Barri, Manauli, SAS Nagar, Mohali inter-alia, on the

grounds that (i) the petitioners, as also the residents of village Barri, Manauli, SAS Nagar, Mohali are facing lot of difficulties, in the matter of conducting function or any social function, in the absence of community shed available to them; and (ii) the respondent No.2 (Appellate Authority) has not decided appeal Annexure P-27 dated 01.05.2023, submitted by the petitioners and delivered in the office of respondent No.2, against Diary No.1071 dated 02.05.2023;

AND

For issuance of an interim order for restraining the respondent No.3 (Additional Chief Administrator, GMADA), from demolishing the shed of the Community Centre at village Barri, Block Mohali, Tehsil and District Mohali, during the pendency of the instant Civil Writ Petition;

AND

For grant of any other relief to the petitioners, to which they may be found to be entitled by this Hon'ble Court, in the facts and circumstances of the instant case."

The petitioners are residents of village Barri, Tehsil and District SAS Nagar, Punjab. The Gram Sabha, Village Barri had passed a resolution on 23.12.2019, *inter alia*, for promoting the cultural activities in the village by constructing a building. Pursuant thereto, a decision was taken on 23.12.2020 (Annexure P-2) to construct a 'Community Centre' in the village and a resolution was passed sanctioning grant to the extent of ₹20 lacs for the same. A shed was accordingly constructed at a cost of ₹16.12 lacs. However, respondent No.2 ordered demolition of the said Community Centre stating that it had been constructed without any approval from the competent authority. A show cause

notice dated 20.10.2022 (Annexure P-5) was issued. Communications between the parties continued and ultimately action was initiated against one Manphool Singh, who was the Sarpanch of the village at the relevant time and he was suspended. Manphool Singh had filed **CWP No.3348 of 2023** in this Court which was disposed of, on 17.02.2023 (Annexure P-22) by a Coordinate Bench giving him liberty to approach the concerned authorities with his grievances. It was directed that in the meantime, the Community Centre would not be demolished till a decision was taken by the competent authority. Under the circumstances, a representation dated 27.02.2023 (Annexure P-23) was submitted. However, vide order dated 12.04.2023 (Annexure P-25), Additional Chief Administrator, GMADA, SAS Nagar-respondent No.2 rejected the representation and directed that the Community Centre in question be demolished. An appeal was preferred against the said order on 02.05.2023 and the same is stated to be pending for adjudication.

The limited grievance that the petitioners have is that no decision is being taken on the appeal preferred against the order dated 12.04.2023 and the threat of demolition looms large.

Learned counsel for the petitioners submits that a direction be issued to the respondents to decide the appeal in a time bound manner.

Served with the advance copy of the petition, Mr. Shekhar Verma, learned Additional Advocate General, Punjab is present. At the outset, he submits that he has instructions to state that the appeal is pending before the Chief Administrator, Punjab Urban Development Authority exercising the powers of Special Secretary, Department of Housing and Urban Development, Punjab. He submits, upon instructions, that the said appeal will be decided within a period of four weeks from today and till then, the Community Centre shall not be demolished.

Learned counsel for the petitioners is agreeable to the course suggested by learned Additional Advocate General, Punjab and submits that the instant petition may be disposed of, in terms of the statement made by him.

The present petition is accordingly disposed of, in terms of the statements given by learned counsel for the parties.

This Court is sanguine that the authorities shall pass appropriate orders, in accordance with law, within the time indicated by learned Additional Advocate General, Punjab, assigning reasons in support thereof.

Needless to assert that this order shall not constitute an expression of opinion on the merits of the case of either party, for, as indicated above, the competent authority shall examine the concerns/grievances of the petitioners, strictly in accordance with law.

(ARUN PALLI)
JUDGE

(VIKRAM AGGARWAL)
JUDGE

14.02.2024
Prince Chawla

Whether speaking/reasoned :	Yes/No.
Whether reportable :	Yes/No.