

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

C.W.P. No. 7711 of 2024
Date of decision: 09.04.2024

Balwant Kaur **Petitioner**

Vs.

State of Punjab and others **Respondents**

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

Present: Mr. Amit Jhanji, Senior Advocate with
Mr. Ramandeep Singh, Advocate and
Ms.Zaheen Kaur, Advocate
for the petitioner.

ARUN PALLI, J (Oral)

A Certiorari is prayed for, to quash the notice dated 31.07.2023 (P-6), passed by the District Town Planner-cum-Additional Chief Administrator, GMADA, SAS Nagar (respondent No.2), whereby, the petitioner was required to appear before the competent authority within 30 days and submit response against the un-authorized construction of a farm house, upon a land measuring 3 acres, situated in village Burana, Tehsil Majri, District SAS Nagar. And also, to set aside the order dated 20.02.2024 (P-5), vide which, *ex-parte* order of demolition of construction has been ordered under Section 12 of the Punjab New Capital (Periphery) Control Act, 1952 and Section 69 of the Punjab Regional and Town Planning and Development Act, 1995.

Upon being pointedly asked, learned Senior counsel for the petitioner fairly submits that the petitioner did not choose to appear before the competent authority, pursuant to the notice dated 31.07.2023, nor submitted any response thereto. However, with reference to the multiple grounds set out in the petition, he submits that the impugned notice as also the order under challenge are palpably erroneous.

Served with the advance copy of the petition, Mr. Jastej Singh, Deputy Advocate General, Punjab is present in Court on behalf of the respondents. He asserts that once the petitioner failed to submit any reply to the impugned notice and/or even appear before the competent authority, she

is not entitled to any indulgence in these proceedings under Article 226 of the Constitution. However, he submits that the petitioner, if so advised, may move the competent authority as regards her concerns/grievances. And, in the event she files a representation/application/objection(s) within a week from today, the same shall be taken cognizance of and appropriate orders, in accordance with law, shall be passed. Further, he submits that before any such orders are passed, the petitioner shall be afforded an opportunity of hearing. And a formal communication in this regard, shall be issued.

Accordingly, learned Senior counsel for the petitioner submits that let this petition be dismissed as withdrawn to enable the petitioner to move the competent authority, as she shall file a detailed representation/response/objection(s) to the notice dated 31.07.2023 as also the order dated 20.02.2024 (*ibid*), within a week from today.

In the wake of the statements made by learned counsel for the parties, the petition is accordingly disposed of.

(ARUN PALLI)
JUDGE

(VIKRAM AGGARWAL)
JUDGE

09.04.2024
deepak/AK Sharma

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