

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CWP-11474-2016 (O&M)
Date of Decision: 22.08.2024

Mandeep Singh
..... Petitioner

Versus

State of Punjab and others
..... Respondents

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present: Ms. Harpreet Kaur, Advocate
for the petitioner.

Ms. Vikas Suman Chaudhary, DAG, Punjab.

Mr. H.S. Rakhra, Advocate for
Mr. Mukesh Berry, Advocate
for respondent No.2.

Mr. Sarthak Soni, Advocate for
Mr. Sanjeev Soni, Advocate
for respondent No.3.

Mr. K.S. Kang, Advocate,
Ms. Swinki Mehta, Advocate and
Mr. Vinay Gaur, Advocate
for respondents No.4 and 5.

HARSH BUNGER J. (ORAL)

The instant writ petition has been filed under Articles 226/227 of the Constitution of India seeking a writ in the nature of Mandamus to direct respondents No.2 and 3, i.e. Amritsar Improvement Trust, Amritsar and Municipal Corporation, Amritsar, respectively, to perform their duties and to take further action for demolition of the unauthorized construction

raised by the owners of S.C.O. Nos.135 and 136 “District Shopping Centre” Ranjit Avenue, Amritsar, for which the notices (Annexures P-1 to P-6) had been issued.

2. In pursuance of order dated 28.05.2024, status report has been filed on behalf of respondent No.2 – Amritsar Improvement Trust through its Chairman, which reads as under:-

“1. That unauthorized construction raised by SCO No.135-136 District Shopping Center Ranjit Avenue, Amritsar was ordered to be stopped and demolished vide issuance of notices by the Improvement Trust, Amritsar.

2. That the allottee had applied vide letter/representation dated 16.04.2024 for regularization of unauthorized construction under regularization policy of the State Government.

3. That the Town Planner, Punjab Department of Local Government, Punjab had obtained the report from the Improvement Trust, Amritsar and ordered vide letter No. 25.04.2024 that application for regularization of unauthorized construction cannot be considered until such time as the ongoing court case regarding the cite under subject is not settled by the Hon’ble Court. It was further ordered therein that further proceedings regarding the request for regularization will be executed after the decision of the Hon’ble Court. The copy of the letter dated 25.04.2024 is already on the judicial file.”

3. A perusal of the aforesaid status report would indicate that the allottees, i.e. respondents No.4 and 5, have already applied for regularization of the unauthorized construction under the Regularization Policy of the State Government and matter has been kept pending only to await the outcome of the present writ petition.

4. At this stage, learned counsel for the petitioner submits that she

has no objection if the present writ petition is disposed of by permitting the

official respondents to proceed in terms of the aforesaid status report dated 28.05.2024.

5. Keeping in view the aforesaid submission made by learned counsel for the petitioner, the present writ petition is disposed of with a direction to respondent No.2 – Amritsar Improvement Trust, Amritsar through its Chairman to consider the application submitted by respondents No.4 and 5, seeking regularization of unauthorized construction under the Regularization Policy of the State Government, in accordance with law. Further, it shall be ensured that the building being constructed (demised premises) is in consonance with all the norms prescribed by law(s) and/or the norms prescribed by concerned authorities. It is also made clear that in case any of the unauthorized construction is not compoundable then necessary consequential action be taken

6. It is clarified that the present order shall not be construed to be an approval for regularisation of unauthorized construction of the demised premises and the concerned authorities shall proceed in the matter purely in accordance with law.

7. The present writ petition is disposed of in the aforesaid terms.

8. All pending application(s), if any, shall also stand closed.

22.08.2024*Apurva***(HARSH BUNGER)****JUDGE**

1. Whether speaking/reasoned : Yes/No

2. Whether reportable : Yes/No