



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No.17823 of 2024 (O&M)
Date of decision:06.08.2024

Kesar Singh and another
State of Punjab and others

Versus

....Petitioners
....Respondents

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

Present: Dr. Anmol Rattan Sidhu, Sr. Advocate with
Mr. Mandeep Singla, Advocate
for the petitioners.

Mr. Shekhar Verma, Addl.AG., Punjab.

VIKRAM AGGARWAL, J.

1. The petitioners assail the notices dated 01.04.2024 and 22.07.2024 (Annexures P-6 and P-8) issued by respondent no.3, vide which the buildings in which Paying-Guest (for short 'PG') accommodations are being run have been ordered to be demolished. The case of the petitioners is that the properties in question situated at village Balongi, District SAS Nagar Mohali (fully described in the writ petition) are in-fact owned/possessed by the petitioners and in the garb of the aforesaid orders which have not been passed against the petitioners, the respondents are seeking to demolish the said properties.
2. On 30.07.2024, learned counsel representing the State of Punjab had prayed for a short accommodation to seek instructions and furnish a specific affidavit as regards the concerns/grievances of the petitioners.



3. Today, affidavit of the Additional Chief Administrator, Greater Mohali Area Development Authority (GMADA) has been filed in the Court. The same is taken on record. It has been averred that on account of the unauthorized construction, show cause notice under Section 87 of the Punjab Regional and Town Planning Development Act, 1995 (for short 'the 1995 Act') and Section 12 of the Punjab New Capital Periphery Control Act, 1952 was issued (Annexure R-1). However, no reply was filed. With regard to petitioner no.2 also, show cause notice dated 31.01.2023 (Annexure R-2) was issued, but no reply was filed nor did the petitioner appear before the respondents. Accordingly, demolition order dated 25.07.2023 *qua* the construction raised by petitioner no.1 and dated 24.07.2023 *qua* the construction raised by petitioner no.2 were passed (Annexures R-3 and R-4).

4. Reference has also been made to the Contempt Petition bearing ***COCN No. 2042 of 2024, titled as Balkar Singh Vs. Ajoy Kumar Sinha and others*** which is stated to be pending.

5. At the outset, learned counsel representing the respondents submits that against the impugned notices, appeal as envisaged under Section 87 (3)(b) of the 1995 Act is maintainable and further, under Sub Section 87 (4) (a) of the 1995 Act, a notice issued under Section 87 of the 1995 Act shall be of no effect pending the final disposal of the appeal. Learned counsel has also relied upon judgment/order dated 04.04.2024 passed by this Court in ***CWP No. 7596 of 2024, titled as Devinder Singh Babla Vs. State of Punjab and others*** and has submitted that the facts of the present case are also similar.



6. Faced with the aforesaid position, learned Senior counsel representing the petitioners submits that he be permitted to withdraw the petition to enable the petitioners to avail the remedy of appeal in terms of Section 87 (3) (b) of the 1995 Act. He submits that the matter being time sensitive, the requisite appeal shall be filed within a period of two days from today. He, however, expresses an apprehension that the petitioners may be non-suited on account of delay in filing the appeal.

7. To this, learned counsel representing the State of Punjab submits that no limitation is provided for filing appeal under the relevant provision. He further, fairly submits that in the event, any such appeal is preferred within a period of two days, the same shall be taken cognizance of and the Competent Authority shall examine the matter in the right earnest and decide the appeal, in accordance with law. He also submits that if the appeal is preferred within the next two days, no coercive action till the filing of the appeal shall be taken.

8. Learned Senior counsel representing the petitioners fairly submits that the requisite appeal shall be filed within a period of two days from today.

Accordingly, the petition is disposed of in terms of the statements made by learned counsel for the parties.

(ARUN PALLI)
JUDGE

(VIKRAM AGGARWAL)
JUDGE

August 06, 2024
Rekha

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