



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

C.W.P. No. 21394 of 2024

Date of decision: 30.08.2024

Nimratdeep Singh & Sons (HUF)

.... Petitioner

Vs.

Greater Mohali Area Development Authority and another

.... Respondents

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

Present: Mr. Sarthak Gupta, Advocate, for the petitioner.

ARUN PALLI, J (Oral)

The petitioner has prayed for the following substantive relief:

“Civil Writ Petition under Articles 226/227 of the Constitution of India for the issuance of an appropriate writ, order or direction especially in the nature of certiorari setting aside Demarcation report dated 21.12.2020 (Annexure P-5) as the same is prima facie wrong and was finalized in the absence of the Petitioner;

AND

For the issuance of a writ in the nature of mandamus directing GMADA (Respondent No.1) to re-demarcate Plot No.2094 Sector-5, Block-C, Eco City-1, New Chandigarh, Mohali, Punjab owned by the Petitioner after associating and in the presence of the Petitioner or its authorised representative;

AND

For the issuance of a writ in the nature of mandamus directing GMADA (Respondent No.1) to order removal of illegal encroachment made by Respondent No.2 in Plot NO.2094 Sector-5, Block-C, Eco-City-I, New Chandigarh, Mohali, Punjab;



AND

For the issuance of a writ in the nature of certiorari quashing older Letter dated 22.08.2022 (Annexure P-10) and Letter dated 07.10.2022 (Annexure P-12) to the extent that at one point in time Respondent No.1 had refused to perform its statutory duties in terms of its refusal to adjudicate the Petitioner's grievance;

AND

For the issuance of a writ in the nature of certiorari setting aside the illegal levy of Construction Extension Fees to the tune of Rs.1,03,644/- (Annexure P-20) as being unsustainable in the present facts and circumstances where the Petitioner has been unable to construct for reasons beyond its control;

AND

With a further prayer that during the pendency of the present writ petition, further construction over Plot No.2095, Sector-5, Block-C, Eco-City-1, New-Chandigarh, Mohali, Punjab (owned by Respondent No.2) and the present demand as also any further levy of Construction Extension Fees may kindly be stayed in the interim, during the pendency of the present Petition."

Learned counsel for the petitioner submits that the petitioner is owner of plot No.2094, Sector 5, Eco City-1, New Chandigarh, Mullanpur. He submits that, in essence, the petitioner is aggrieved by the encroachment caused over an area owned by it, by Satnam Singh (respondent No.2), who is owner of the adjoining plot No.2095. It is urged that qua its concerns/grievances, the petitioner had repeatedly represented to the respondent authorities, but to no avail. So much so, even the representation dated June 27, 2024, the respondent authorities had been served with, has failed to evoke any response. Thus, this petition.

Served with the advance copy of the petition, Mr. Jastej Singh, Deputy Advocate General, Punjab, is present in Court, on behalf of respondents No.1 (GMADA). At the outset, he, on instructions, submits, for



the representation (*ibid*), that is alleged to be submitted by the petitioner, is pending consideration before the competent authority, it would be expedient, if the petition is disposed of, at this stage, to enable the respondent authorities to consider its claim and pass necessary orders, in accordance with law. And, if necessary, after hearing all the stake holders.

Learned counsel for the petitioner is agreeable to the course suggested by the learned State counsel and submits that let the petition be disposed of in terms of the statement made by him. However, he submits that the matter being time sensitive, the respondent No.1 be directed to take an appropriate decision/measure within a stipulated time.

To this, learned State counsel submits that the necessary orders, in accordance with law, shall be passed as expeditiously as possible.

In the wake of the position sketched out above, and in terms of the statement made by learned counsel for the parties, this petition is accordingly disposed of.

This Court is sanguine that the authority shall consider/examine the matter in the right earnest, and pass appropriate orders, assigning reasons in support thereof, as expeditiously as possible.

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 earlier, the competent authority shall examine the grievances of the petitioner, strictly in accordance with law.

(ARUN PALLI)
JUDGE

(VIKRAM AGGARWAL)
JUDGE

30.08.2024

deepak

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