

130 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-26211-2024 (O/M)

Date of decision : 14.10.2024

Shabana

..... Petitioner

Versus

State of Punjab and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE HARSH BUNGER

Present :- Mr. Inderpal Singh, Advocate
for the petitioner.

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HARSH BUNGER, J. (ORAL)

1. Petitioner (Shabana) has filed the instant civil writ petition under Articles 226/227 of Constitution of India, inter alia, seeking a writ in the nature of mandamus, for directing respondents No. 2 and 6 to reconstruct the demolished portion of the property/house of the petitioner to its original condition, which is allegedly demolished by respondents No. 2 to 6.

1.1 A further prayer has been made for directing respondent No. 7 (Deputy Commissioner, Malerkotla, Punjab) to take necessary action against respondents No. 2 to 6 for alleged illegal demolition of house of petitioner and also to pay adequate compensation to the petitioner on account of demolition of her house.

2. According to the petitioner, she had purchased a plot measuring 3.27 marlas, vide sale deed dated 31.05.2021, which is claimed to be situated at Islam Basti, Near Sabzi Mandi, Tehsil Malerkotla, Punjab, wherein the petitioner started raising construction

on 08.11.2023 and by 06.12.2023, the basic structure of the house is stated to be completed.

3. Concededly, the petitioner had not taken any approval/permission for raising construction, although the petitioner claims that she had submitted site plan for approval on 06.12.2023 before the Municipal Council, Malerkotla, however, on the same day i.e. 06.12.2023, respondents No. 2 to 6 came to the site and demolished the construction. The petitioner claims that before demolishing the construction, no notice was issued to her, therefore, the principles of natural justice have been violated. Accordingly, it is prayed that the instant civil writ petition be allowed by issuing directions, as prayed for.

4. Heard.

5. In paras 7 and 8 of the instant writ petition, following averments have been made :-

“7. That the house of the petitioner was illegally demolished by the respondents due to political vendetta, on the asking of Local MLA and in order to wreak vengeance. It is worthwhile to add here that the father of the petitioner has been raising his voice against the corrupt practices of local MLA and Government Officials. The day before the demolition, the father of petitioner had given an interview to a press correspondent highlighting the irregularities and corruption and in the same he had also criticized the MLA and the PA of the MLA from Malerkotla. The aforesaid interview of the father of petitioner published in “Desh Pradesh” newspaper on 05.12.2023 and said newspaper is annexed herewith as Annexure P-4.

8. That on 06.12.2023, when the father of the petitioner came to know about the illegal demolition, he

called the Executive Officer (Respondent No. 2). During the aforesaid conversation on phone call between the father and respondent No. 2, respondent No. 2 admitted that one of the reasons for the demolition was the aforesaid interview of the father of petitioner in which he has criticised the MLA of Malerkotla and that the demolition was conducted under political pressure. A copy of the newspaper and the phone recording are annexed herewith as Annexure P-4.”

6. A perusal of the paperbook, especially the above extracted paras 7 and 8 of the instant civil writ petition, would show that the petition involves disputed questions of fact, which would require leading of evidence and the said exercise cannot be carried out in the writ proceedings.

7. In view of the above, the instant civil writ petition is dismissed. however, leaving it open to the petitioner to avail her other remedies, available to her, in accordance with law.

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

(HARSH BUNGER)
JUDGE

14.10.2024
sjks

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