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**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CWP-29757-2024 (O&M)**Date of Decision: 05.11.2024**

Sunita Dhiman and another

....Petitioners

Versus

State of Punjab and others

....Respondents

CORAM: HON'BLE MR. JUSTICE HARSH BUNGERPresent : Mr. Arshdeep Singh Sodhi, Advocate
for the petitioners.

Mr. Navneet Singh, Sr. DAG, Punjab.

Mr. G.S. Attariwala, Senior Advocate assisted by
Mr. Vansh Chawla, Advocate
for respondent No.2.

HARSH BUNGER, J. (Oral)

1. This petition has been filed under Articles 226/227 of the Constitution of India *inter alia* seeking a writ in the nature of Mandamus for directing the respondents to issue notice and calculate the compensation under Section 224 of the Punjab Municipal Act, 1911 and compensate the petitioner for gross negligence of the officers of Municipal Committee (now Municipal Council) while issuing sanctioned building map in construction restricted zone (Annexure P-9) and thereafter, the shop of the petitioner has been demolished vide impugned notice dated 28.07.2023 (Annexure P-8) causing huge financial loss to the petitioner.

2. Mr. G.S. Attariwala, Senior Advocate assisted by Mr. Vansh Chawla, Advocate, who has appeared on behalf of respondent No.2-Municipal Council, Zirakpur in this case, pursuant to the advance copy



of petition having been sent to the Municipal Council submits that the demolition of the property of the petitioners has been carried out in pursuance of orders passed by the Division Bench of this Hon'ble Court in **CWP-PIL-27436-2015** and other connected writ petitions in terms of order dated 29.05.2019.

2.1 A copy of the said order dated 29.05.2019 has been handed over in Court today, which is taken on record, subject to all just exceptions and the relevant extract thereof reads as under:

“In these circumstances, we are left with no other option, except to direct the Chief Secretary to Government of Punjab to constitute a committee, headed by him, consisting of Principal Secretary to Government of Punjab, Department of Civil Aviation, Chief Administrator, GMADA, Executive Officer, Municipal Council, Zirakpur, Deputy Commissioner, SAS Nagar (Mohali), and any other officer nominated by the Chief Secretary, as well as Air force Officer to be nominated by the Air Officer Commanding, Chandigarh, who shall carry out survey of all the constructions standing within 100 meters of the perimeter wall of the Airport and submit a detailed report with respect to every single construction existing in the area.

It will be open to the Chief Secretary to nominate any other officer in addition, if he deems it necessary. The Committee shall also identify the owner/occupant of every illegal construction raised. The Committee shall be under an obligation to keep a strict vigil, so that no further illegal construction activities are carried out in the area of 100 meter of the perimeter wall. The Committee shall also be responsible to ensure demolition of the illegal constructions, strictly in accordance with law, which shall be carried out by local authorities within whose jurisdiction the same fall, be it Municipal Council, Zirakpur or GMADA.

A copy of this order be circulated to the Revenue Courts as well as District Courts within the SAS Nagar (Mohali) and



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Chandigarh, to ensure that none of the Courts entertains any application or suit for injunction pertaining to the constructions standing within the area.

The Registrar General of this Court is also directed to circulate a copy of this order to ensure that if any petition is filed in this regard before this Court, the same is to be attached with these petitions.

The Committee, so constituted, shall submit a status report on or before the next date of hearing.

Status/compliance report in respect of the other issues, in terms of our order dated 21.05.2019, be also filed on or before the next date of hearing.

Learned counsel appearing for various stakeholders shall also file their respective response/status report.

List on 22.7.2019.

To be taken up at 2:00 P.M.”

3. At this stage, learned counsel for the petitioners submits that he may be permitted to withdraw the instant petition with liberty to the petitioners to avail their remedies before the Civil Court only in respect of claiming compensation for the alleged wrongful demolition of their property.
4. Learned counsel for the respondents do not raise any objection regarding the aforesaid course of action being adopted by the petitioners.
5. Keeping in view the submissions made on behalf of the respective parties, the instant petition is dismissed as withdrawn with the liberty aforesaid.
6. All pending application(s), if any, shall stand closed.

05.11.2024
Himani

(HARSH BUNGER)
JUDGE

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