



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-29061-2024(O&M)
Date of decision: 29.10.2024

Shri Guru Gobind Singh Welfare Society
... Petitioner
Versus
State of Punjab and others
... Respondents

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

Present: Mr. Akshay Chadha, Advocate,
for the petitioner.
Mr. Shekhar Verma, Addl. AG, Punjab.

ARUN PALLI, J. (Oral)

The petitioner (Shri Guru Gobind Singh Welfare Society) prays for a Certiorari, to quash the e-auction notice dated October 17, 2024 (P-2), issued by respondent No.2, vide which an area measuring 4500 sq. yards is scheduled to be auctioned between October 18, 2024 to October 29, 2024. And also, to quash the letter dated November 6, 2018, issued by Chief Town Planning Officer, Punjab (respondent No.3), whereby the necessary permission/approval to change/convert the subject site, which was earmarked for Convenient Shopping (Fruit & Vegetable Rehri Stand) near Green Land Convent School, Urban Estate, Ludhiana, for institutional purpose(s) was granted. Further, the letter dated January 16, 2019, vide which Greater Ludhiana Area Development Authority (GLADA) has accepted/approved the proposed change of land use.

Learned counsel for the petitioner submits that without inviting objections from the general public and the residents of the area, the decision of the respondent-authorities for change of permissible usage of the subject site is apparently erroneous. He submits that the work for construction of Convenient Shopping (Fruit & Vegetable Rehri Stand) was allotted to M/s Sunil Kumar Contractor, vide letter of allotment dated February 25, 2019. And, even in the original drawings dated August 6, 1994 (P-3), the subject site was earmarked



for Fruit and Vegetable Rehri Stand, which was the prime factor for the potential buyers to purchase the plots/sites in its immediate vicinity. It is submitted that in the past also, the attempts were made by the respondent-authorities to auction the subject site for institutional purposes vide auction notice dated July 1, 2019, which was opposed by the petitioner as also the residents. And the representations dated July 2, 2019 (P-9) and September 18, 2020 (P-10), submitted to the respondents in this regard, led to cancellation of the auction process. The petitioner had even submitted separate complaints dated September 11, 2022 (P-12) with the Department of Housing and Urban Affairs, Punjab as also to the Chief Administrator (GLADA) dated December 15, 2022. Not just that, yet another attempt was made to auction in September, 2024, which also did not fructify as the inhabitants of the area opposed the said move. Accordingly, it is submitted that without following the due procedure, the authorities ought not to have granted the necessary permissions/approvals vide impugned order(s) dated November 6, 2018 (P-4) and January 16, 2019 (P-5), to convert the subject site from Fruit & Vegetable Rehri Stand to the use of institutional purpose.

We had heard learned counsel for the petitioner on October 28, 2024. And as, upon being served with the advance copy of the petition, learned Additional Advocate General, Punjab appeared for the respondents, the proceedings were deferred for today to enable him to seek instructions. Accordingly, he submits that since the respondent-authorities are already in *seisin* of the representations (**ibid**) submitted by the petitioner, it would be expedient if this petition is disposed of, at this stage, to enable the competent authority to consider the concerns/grievances of the petitioner. And pass appropriate orders, in accordance with law. He submits that before any such orders are passed, the petitioner shall also be heard. For which, a formal communication would be issued, well in advance. Further, he fairly submits, for the auction is scheduled for today itself, the process would continue, however, till a formal decision is reached by the concerned authority, as indicated above, the auction shall not be finalized.

Learned counsel for the petitioner is agreeable to the course suggested by learned Additional Advocate General, Punjab. However, he



submits, for the matter is time sensitive, the authorities be directed to take a decision within a specified time.

In response, learned Additional Advocate General, Punjab submits that necessary orders shall be passed within four weeks from today.

In the wake of the position sketched out above, and in terms of the statements made by learned counsel for the parties, the petition stands disposed of. This Court is sanguine that the respondent-authorities shall consider the matter in the right earnest, and pass the appropriate orders in accordance with law.

Needless to assert that this order shall not constitute any expression of opinion on the merits of the case of either party, for, as indicated above, the competent authority shall examine the concerns/grievances of the petitioner, strictly in accordance with law.

(Arun Palli)
Judge

(Vikram Aggarwal)
Judge

29.10.2024
Rajan

Whether speaking / reasoned:	YES/NO
Whether Reportable:	YES/NO