



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

115

CWP-1162-2025

Date of Decision: 12.03.2025

Bhupesh Gupta

....Petitioner

Versus

State of Punjab and others

....Respondents

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR
HON'BLE MR. JUSTICE VIKAS SURI

Present: Mr. Ankur Mittal, Advocate
Ms. Kushaldeep Kaur, Advocate
Ms. Saanvi Singla, Advocate
Ms. Sharvi Dhadwal, Advocate
for the petitioner.

Mr. Maninder Singh, Sr. Deputy Advocate General, Punjab.

Ms. Kavita Arora, Advocate
for respondents No.2 and 3.

Sureshwar Thakur, J. (Oral)

1. Ms. Kavita Arora, Advocate has filed today before this Court, a validly executed Vakalatnama in her favour by respondents No.2 and 3, which is taken on the record.
2. The learned counsels appearing for the parties are *ad idem* that impugned order be quashed and set aside. Ordered accordingly.
3. However, the issue relating to the validity of levying of construction charges upon the present petitioner, for the period commencing from 2016 till 2023, thus, be thoroughly scrutinized, especially in the wake of the fact, that there is recital in the deed of conveyance executed, in favour of



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the present petitioner by his vendor, qua when he received the subject properties thus, thereons, there existed some constructions, which *prima facie* qualify for the same being deemed to be a “construction”, in terms of the explanation attached to the Rule 22 of the Punjab Management and Transfer of Municipal Properties Rules 2021, provision whereof become extracted hereinafter:-

“Explanations. –

For the purposes of these rules:-

- (i) construction of one habitable room, kitchen, bath room and water-closet along with taking of permanent connection of water and sewerage supply and electricity, in case of residential buildings; and*
- (ii) raising of twenty-five percent construction of the maximum permissible coverage area, in case of commercial or any other type of building, shall be deemed to be a complete building.”*

4. Moreover, the respondents are also directed to be sensitive to the factum, that the right to life includes the right to own a home over any subject property over which, the owner has a lawful right, title and interest, and also to further consider, whether that right can be abridged, through some *prima facie* unreasonable restrictions becoming imposed, to the extent that, unless the owner does not complete the construction, within the time specified and, which may be on account of some valid deterrence, that yet, thereby some additional construction charges are to be levied upon him/her.

5. The said speaking order be passed within three weeks from today.

6. However, the provisional transfer letter be issued in favour of the



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present petitioner, within seven days, but the issuance of the said provisional transfer letter shall be subject to outcome of the fresh decision to be made.

7. Disposed of accordingly, along with all pending applications, if any.

(SURESHWAR THAKUR)
JUDGE

(VIKAS SURI)
JUDGE

March 12, 2025

Varinder

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No