



**CWP-1838-2024 (O&M) and  
CWP-14787-2024 (O&M)**

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

**(252)**

**Date of Decision : 21.04.2025**

**1. CWP-1838-2024 (O&M)**

Mini Arora and others

...Petitioners

Versus

Deputy Commissioner, Mohali and others

...Respondents

**2. CWP-14787-2024 (O&M)**

Spangle Condos Resident Welfare Association

...Petitioner

Versus

State of Punjab and another

...Respondents

**CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI**

Present: Mr. S.S. Virk, Advocate  
for the petitioners in CWP-1838-2024.

Mr. Suman Jain, Advocate  
for the petitioner in CWP-14787-2024 and  
for respondents No.6 to 9 in CWP-1838-2024.

Mr. Teevar Sharma, AAG, Punjab  
for respondents No.1 to 4 in CWP-1838-2024 and  
for respondent No.1 in CWP-14787-2024.

Mr. G.S. Khokhar, Advocate  
for respondent No.2-MC, Zirakpur, in CWP-14787-2024.

Mr. Naginder Singh Vashist, Advocate  
for respondent No.5- MC, Zirakpur in CWP-1838-2024.

\*\*\*\*

**KULDEEP TIWARI, J.(ORAL)**

1. Both the instant petitions are amenable to be decided together, as a common issue is involved therein, with regard to the consecration of a small idol (Shivling), in the common area, therefore, both the instant petitions are



**CWP-1838-2024 (O&M) and  
CWP-14787-2024 (O&M)**

taken up together for their adjudication.

2. The petitioners in CWP-1838-2024, has approached this Court, seeking mandamus upon the official respondents, to ensure removal of unauthorized encroachment on the Public Space/Common Area/Park, in a residential society, wherein, the said idol (Shivling) was placed. The basic foundation, as laid down by the petitioners, seeking mandamus, is that the Residential Welfare Association (RWA) , in collusion with some other persons, without having a prior sanction of any authority(ies), are trying to modify the common area, which is ear-marked as green area, in the master plan, whereas, in the second petition i.e.CWP-14787-2024, the petitioner therein, has challenged the notice dated 07.05.2024 (Annexure P-12), as issued under Section 195-D of the Punjab Municipal Act, 1911 (hereinafter referred to as 'the Act of 1911'), and the final notice dated 12.06.2024 (Annexure P-15), as issued under Section 220 of the Act of 1911, wherethrough, the directions were passed upon the petitioner, to remove the temporary temple construction, within seven days. Fetching grievance from the said two notices, the instant petition was filed.

3. As far as, CWP-1838-2024 is concerned, wherethrough, a writ of mandamus is sought, this Court is of a firm view that the prayer made in the said petition, is in fact, rendered infructuous, as the Municipal Council concerned, has already taken the required action, by issuing notices under Section 195-D and Section 220 of the Act of 1911, therefore, no further asked for direction is required to be passed in the said petition.

4. So far as, CWP-14787-2024 is concerned, wherein, the notices (supra), is under challenge, it is important to note here that the final notice issued under Section 220 of the Act of 1911, is in fact, appealable order, in



CWP-1838-2024 (O&M) and  
CWP-14787-2024 (O&M)

view of the provisions of Section 225 of the *ibid* Act. However, the petitioner, without availing the statutory remedy of appeal, has straightway approached this Court, primarily, on the reason of pendency of other writ petition.

5. In view of the above, this Court is of the considered opinion that the petitioner(s), can be relegated to the learned Appellate Authority concerned, to challenge the impugned notices. In case, the petitioner(s) prefer an appeal, before the learned Appellate Authority concerned, within 15 days from the date of passing of this order, the latter shall decide the same within three months thereafter.

6. The interim directions regarding dismantling of the structure, as issued by this Court, is ordered to remain in operation, till the decision is taken on the application, if so, preferred by the petitioner for interim stay, or till the next 30 days, whichever is earlier. The learned Appellate Authority concerned, is at liberty to decide the application for stay, if so preferred by the petitioner(s) in CWP-14787-2024, on its own merits.

7. Furthermore, the petitioners in CWP-1838-2024, are restrained to construct or raise any kind of structure, on the said land, till a final decision is taken by the learned Appellate Authority concerned.

8. Consequently, both the instant petition(s) are **disposed of**.

9. Pending applications, if any, stand disposed of accordingly.

10. Photocopy of this order be placed on the connected case file, as numbered above.

(KULDEEP TIWARI)  
JUDGE

April 21, 2025

|          |                           |   |        |
|----------|---------------------------|---|--------|
| Manpreet | Whether speaking/reasoned | : | Yes/No |
|          | Whether reportable        | : | Yes/No |