

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

2025:PHHC:017987-D8



Civil Writ Petition No.6703 of 2024 (O&M)

Date of Decision: 06.02.2025

Baba Farid Vidyak Society

.....Petitioner

versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE SHEEL NAGU, CHIEF JUSTICE
HON'BLE MR. JUSTICE SUMEET GOEL, JUDGE

Present : Mr. Chetan Mittal, Sr. Advocate with
Ms. Arsheya Sharda, Advocate,
Ms. Shifali Goyal, Advocate,
Mr. Ivan Singh Khosa, Advocate,
Mr. Akshay Mittal, Advocate and
Mr. Shivam Grover, Advocate
for the petitioner in CWP-6703-2024.

Mr. Saurav Khurana, Addl. Advocate General, Punjab.

Mr. D.V. Sharma, Sr. Advocate with
Ms. Shivani Sharma, Advocate and
Mr. Sukhbeer Singh, Advocate for respondents No.2 and 3.

SHEEL NAGU, CHIEF JUSTICE (Oral)

The present petition filed under Articles 226/227 of the Constitution of India essentially assails speaking order dated 01.04.2021 (Annexure P-22) passed by the Chief Administrator, Bathinda Development Authority by which in the backdrop of the petitioner having failed to compound the alleged unauthorized construction made by the petitioner-society, the said construction was declared to be unauthorized in terms of Punjab Regional and Town Planning and Development Act, 1995 (for short 'PRTPD Act') for being in violation of Sections 79, 80 and 81 of the Act and therefore, directions were given to initiate proceedings under Sections 86, 87 and 89 of the PRTPD Act.

2. The other challenge relates to Annexures P-53, P-54 and P-55 which are the consequential demolition orders passed by the respondent-authorities.

3. Learned senior counsel for the petitioner does not dispute that the PRTPD Act, 1995 provides for a statutory alternative remedy of appeal before the State Government against Annexure P-22 and also against the demolition orders (Annexures P-53, P-54 and P-55) under Sections 86, 87 and 89 of the PRTPD Act, 1995. The appeal as per the said Act lies to the State Government.
4. Learned senior counsel for respondents No.2 and 3 also do not dispute the aforesaid submission made by learned senior counsel for the petitioner.
5. It is seen from the provisions contained in Sections 86, 87 and 89 of the PRTPD Act, 1995 and the Rules framed thereunder that the limitation period prescribed for appeal to the State Government is 30 days. Since this Court would not like to hear the matter on-merits which involves disputed questions of law and facts and therefore, the petitioner is being relegated to avail the remedy of appeal before the State Government.
6. Accordingly, this Court extends liberty to the petitioner to file an appeal against the aforesaid orders before the appropriate Appellate Authority, which if done within a period of 30 days from today alongwith a copy of this order, the same shall be entertained and decided on-merits in accordance with law without being dismissed on the issue of limitation alone.
7. This Court hasten to add that no comments on the merits of the claim have been made by this Court and the same are left to the Appellate Authority to decide in accordance with law.
8. With these observations, the petition stands disposed of.

(SHEEL NAGU)
CHIEF JUSTICE

(SUMEET GOEL)
JUDGE

06.02.2025
ravinder

Whether speaking/reasoned	√Yes/No
Whether reportable	Yes/No/