

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****209****COC-2042-2023(O&M)**
Date of decision: 18.08.2025**Balkar Singh****...Petitioner(s)****Vs.****Sh. Ajoy Kumar Sinha & Others****...Respondent(s)****CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA****Present:-** Mr. Rakesh Sobti, Advocate
for the petitioner.

Mr. M.S. Teji, AAG Punjab.

Mr. Vikas Mohan Gupta, Advocate
for respondents No.1 to 5.Mr. Akshay Rawal, Advocate
for respondent No.7.*********NIDHI GUPTA, J.**

The petitioner has filed the present Contempt Petition alleging violation and wilful disobedience of order dated 27.01.2023 (Annexure P1) passed by Division Bench of this Court in CWP-1576-2023 titled as "Balkar Singh Vs. State of Punjab & Others", by the respondents.

2. Learned counsel for the petitioner submits that in compliance of the order dated 27.01.2023, the petitioner had submitted representation dated 06.02.2023 (Annexure P2) through registered Post and by hand vide



receipt (Annexure P3). The petitioner had also personally visited the office of the respondents and requested them to implement order dated 27.01.2023. It is submitted that it was clearly pointed out by the petitioner that illegal construction had been made in the vicinity of the house of the petitioner, which was causing great harassment to the petitioner. Yet, no remedial/consequential steps had been taken by the respondents to ameliorate the harassment of the petitioner, which is in violation of the direction of this Court vide order dated 27.1.2023. It is accordingly prayed that the respondents be punished in accordance with law.

3. *Per contra*, Id. Counsel for the respondents no. 1 to 5 vehemently opposes submissions of the petitioner and refers to the case file in extensive detail to show that there had been no wilful disobedience by the respondents and that every effort had been made by the respondents to comply with the direction of this Court. It is further submitted that construction of the petitioner himself is unauthorised.

4. I have heard learned counsel at length and have perused the case file in detail. I find no merit in the submissions of the petitioner.

5. Brief background of the case is that the petitioner had filed the above said CWP No. 1567 of 2023 inter alia, praying for issuance of a writ of Mandamus directing the respondents to stop/remove the illegal construction raised/raising by the occupants/owners in a residential area/village in order to run Paying Guest (PG) in large scale and such without getting the



residential building plan of the site approved from the sanctioning authority and also without getting it registered for running Paying Guest (PGs) which is in violation of the Punjab Urban Planning & Development Rules, 2021 (P-4) and policy dated 24.08.2007 (P-1); with a further prayer that a direction be issued to the respondents to close the illegal Paying Guests (PGs) being run in the area/city/village by imposing ban on it and further to take strict legal action against the illegal PG accommodations which had made the lives of common man miserable in the area/city/village. The said CWP No. 1567 of 2023 was disposed of by the coordinate Bench, with the following directions:

“Without going into the merits of the case or commenting thereupon, we dispose of the present writ petition with liberty to the petitioner to file a detailed comprehensive representation to the respondents within a period of 10 days, substantiating his assertions by way of documents/photographs. In case, such a representation is submitted the same shall be considered and a decision taken thereon within a period of two months from the date of submission of such representation.

The decision, so taken, be conveyed to the petitioner forthwith. In case, the grievance highlighted by the petitioner is found to be correct, the consequential steps be also taken in accordance with law, within a further period of three months.”

6. It is stated by learned counsel for the petitioner that the above said direction has not been complied with.



7. It has been pointed out by Learned counsel for respondents No.1 to 5 that first Compliance Report dated 08.11.2023 was filed by way of affidavit of Additional Chief Administrator, GMADA, wherein it was stated that legal action was being taken against all unauthorised constructions falling within the jurisdiction of GMADA, irrespective of whether the unauthorised construction has been raised for the purpose of running of a Paying Guest (PG) or for any other purpose. It was further averred that on 13.06.2023, Regulatory Branch of GMADA had executed a demolition drive against the ongoing fresh unauthorised constructions of 4 Paying Guests (PGs) in village Balongi in compliance of directions of this Court in CWP-2893-2017 titled as “Court on its own motion Vs. State of Punjab & Others”. In respect of representation of the petitioner, it was mentioned that demolition orders had been passed against owners of 5 PGs against whom the petitioner had alleged violations, of village Balongi after following the due process of law as detailed in Para 8 of the said compliance report. In Para 9, it was mentioned that show cause notices had been issued in respect of 8 PGs detailed therein. Further, the deponent had written to concerned Executive Engineer, PSPCL for disconnection of electricity connections of the unauthorized PGs and also to District Magistrate, SAS Nagar for providing Police help for maintenance of law and order when demolition drive is carried out.

8. Accordingly, it is recorded by Co-ordinate Bench of this Court in order dated 05.04.2024 that “...Even the demolition orders have been passed



qua certain properties which were adjudged to be illegally constructed or in which illegal paying guest houses were being run. The police help has already been sought for 02.05.2024”

9. Thereafter, another status report dated 09.07.2024 had been filed on behalf of respondents No.1, 3 and 4 by way of affidavit of Additional Chief Administrator, GMADA, wherein it was informed that no reply had been received from the owners of the unauthorized 5 PGs to whom show cause notices had been issued. Accordingly, vide letter No.2943 dated 01.04.2024, request was again made to District Magistrate-cum-Deputy Commissioner, SAS Nagar for providing Police help at the time of demolition drive of the unauthorized constructions scheduled for 02.05.2024. Even a Public Notice dated 01.04.2024 was issued whereby occupants of the 5 unauthorized PGS were asked to vacate the buildings within one month, so that at the time of demolition drive, there is no loss of life and property of individuals. But, the owners of unauthorized PGs did not vacate the buildings in question because of which demolition drive fixed for 02.05.2024 could not be executed. Thereafter, demolition drive was fixed for 18.06.2024 but even on 18.06.2024, demolition drive could not be executed as Police help was not provided.

10. Consequentially, vide order dated 10.7.2024 Co-ordinate Bench of this Court had directed respondents No.2 to 4 to carry out demolition drive on 05.08.2024 with the help of adequate Police Force; for which direction was also given to the concerned Senior Superintendent of Police, SAS Nagar,



Mohali. Additional Superintending Engineer, PSPCL, Mohali was also directed to disconnect the electricity connections provided to the identified buildings within a period of 15 days from the date of order i.e. 10.07.2024.

11. Lastly, status report dated 23.08.2024 was filed by respondents No.1 to 5 by way of affidavit of competent authority-cum-Additional Chief Administrator, GMADA, wherein it is informed that on 30.07.2024, Sh. Kesar Singh s/o Piyara Singh and Sh. Naveer Singh s/o Harmail Singh had filed CWP No.17823 of 2024 challenging the demolition notice/order issued against unauthorised construction, wherein this Court vide order dated 30.07.2024 (Annexure R-2), while hearing the matter had directed that:-

“Served with the advance copy of the petition, Mr. Jastej Singh, DAG, Punjab, is present in Court for respondents No.1 to 7. At the outset, he prays for a short accommodation to seek instructions and furnish a specific affidavit as regards the concerns/grievances that are sought to be raised in the petition. Adjourned to 06.08.2024.

May do so a day prior to the adjourned date with an advance copy to the counsel opposite.”

12. In this regard, reference is also made to email dated 01.08.2024 (Annexure R-3), received by the answering respondents from the office of Advocate General, Punjab, wherein it is mentioned that while hearing the CWP no.17823 of 2024:

“...the Hon’ble Court has orally taken the assurance of the undersigned that the building/structure of the petitioners alleged to be illegal by GMADA will not be demolished till the



next date of hearing so that the entire matter could be thoroughly scrutinised by the Hon'ble Court."

13. Several other similarly-placed defaulters had also filed various other Writ Petitions which were subsequently disposed of by order dated 06.08.2024 (Annexures R4 and R5), to enable the aggrieved persons/owners of the PGs to file appeal under Section 87 of the Punjab Regional and Town Planning Development Act, 1995 (hereinafter referred to as "the Act").

14. It has further been stated in the said status affidavit that as these unauthorized constructions are 3-4 storey buildings and are situated in narrow streets and populated area, so JCB machines could not be used for demolishing the structures. Manual labour was hired from 01.08.2024 to 06.08.2024 to demolish these structures and now these structures have been rendered uninhabitable, as is evident from photographs (Annexure R6 colly).

15. At this stage, learned counsel for the petitioner submits that only one wall of the unauthorized constructions has been demolished. However, a perusal of the photographs (Annexure R6 colly) shows that the unauthorised constructions have been substantially demolished, rendering them utterly uninhabitable. Assertion of the petitioner is found incorrect.

16. It is further stated in Paras 11 and 12 of the status report dated 23.08.2024 as under:-

"11. That it is pertinent to mention here that as per the statutory provisions under Section 87 (4) of the Punjab Regional and Town



Planning and Development Act, 1995 the Notice under Section 87(1) shall be of no effect pending the final disposal or withdrawal of the application or appeal. For kind perusal of this Hon'ble Court section 87 of the Punjab Regional and Town Planning and Development Act, 1995 is reproduced as under:-

"87. Power to require removal of unauthorized development-

XXX

(4) (a) The notice shall be of no effect pending the final disposal or withdrawal of the application or the appeal.

(b) Where permission is granted on an application referred to in clause (a) of subsection (3), the notice shall not take effect, and where such permission is granted for the retention only of some building or work or for the continuance of use of only a part of the land, such notice shall not take effect regarding such building or work or such part of the land, but shall have full effect regarding the works or other parts of the land.

XXX"

12. That in view of aforesaid statutory provision, demolition drive against the unauthorized constructions of 4 persons (Kesar Singh S/o Piyara Singh, Naveer Singh S/o Harmail Sing, Manpreet Kaur W/o Bhupinder Singh and Amarjit Kaur W/o Inderjit Singh) has been halted till the final disposal of the appeals pending before the Appellate Authority-cum-Secretary, Department of Housing and Urban Development."



17. It may also be pointed out that after the filing of abovesaid affidavit dated 23.8.2024, the matter was fixed for hearing before coordinate Bench of this Court on 27.8.2024, whereupon following order was passed: –

“Status report by way of affidavit of Sh. Amarinder Singh Tiwana, Competent Authority-cum-Addl. Chief Administrator, GMADA on behalf of respondent Nos.1 to 5 has been filed in Court, which is taken on record.

Learned counsel representing respondent Nos.1 to 5 on instructions submits that the proceedings in relation to 08 persons named in para no.9 of the affidavit dated 08.11.2023 are pending consideration; likely to be concluded within a period of two weeks from today.

List on 18.09.2024.”

18. In compliance of aforesaid order, status report dated 28.02.2025 has been filed on behalf of respondents No.1 to 5 by way of affidavit of Additional Chief Administrator, GMADA; in which the status of proceedings in respect of the aforementioned 08 persons is depicted as under: -

Sr. No.	Name of violator	Particulars of Show Cause Notice	Remarks
1.	Balwinder Singh S/o Sh. Tarsem Singh	Show Cause Notice was issued vide letter No.1353 dated 31.01.2023	This construction was demolished at the initial stage and till 13.09.2024 no construction was found at the site.
2.	Avtar Singh S/o Sh. Harnek Singh	Show Cause Notice was issued vide letter No.1377 dated 31.01.2023	Demolition Order was issued on 16.09.2024.
3.	Munish Kumar S/o Sh. C.L. Arora	Show Cause Notice was issued vide	Demolition Order was issued on 16.09.2024



		letter No.158 dated 28.06.2023	
4.	Surinder Singh	Show Cause Notice was issued vide letter No.2810 dated 07.08.2023	Demolition Order was issued on 16.09.2024
5.	Rama Shanker S/o Sh. Sham Lal	Show Cause Notice was issued vide letter No.516 dated 15.01.2024	Demolition Order was issued on 16.09.2024
6.	Opinder Singh S/o Sh. Ram Lakhan	Show Cause Notice was issued vide letter No.195 dated 16.01.2023	The violator in his reply had submitted that no PG is being run at the site by him, however he had requested for affording an opportunity of hearing, accordingly opportunity of hearing was granted on 26.09.2024.
7.	Jasvir Kaur W/o Salwinder Singh	Show Cause Notice was issued vide letter No.3810 dated 11.10.2023	The violators in their reply had not submitted any proof of approval for raising the construction in
8.	Sham Kumar S/o Sh. Manvir Kumar	Show Cause Notice was issued vide letter No.436 dated 15.01.2024	question, however, they had requested for affording an opportunity of hearing, accordingly opportunity of hearing was granted on 26.09.2024.

19. Ld. Counsel for the respondents no. 1 to 5 has further informed that in relation to the defaulters, including the aforementioned 8 defaulters all except one had filed appeals under Section 87(3)(b) of the Act before the Appellate Authority-cum-Secretary, Department of Housing and Urban Development on 08.08.2024 against the Notice/demolition orders passed by the deponent under Section 87 of the Act, details of which have been handed



over in the Court, which is taken on record; and a copy thereof is also given to the counsel opposite; and the said details are as follows:-

Sr. No.	Name of the defaulter	Status – property demolished/in appeal
1.	Manpreet Kaur w/o Bhupinder Singh	In appeal
2.	Harmail Singh s/o Karnail Singh	In appeal
3.	Amarjit Kaur w/o Inderjit Singh	Part property demolished and in appeal
4.	Balvir Singh s/o Harnek Singh	Part property demolished and in appeal
5.	Dilbagh Singh s/o Kesar Singh	In appeal
6.	Avtar Singh s/o Harnek Singh	In appeal
7.	Upinder Singh s/o Ram Lakhan	In appeal
8.	Munish Kumar s/o C.L. Arora	Not in appeal
9.	Surinder Singh	In appeal
10.	Jasvir Kaur/Jaswinder Kaur w/o Satwinder Singh	In appeal
11.	Sham Kumar s/o Manvir Kumar	In appeal
12.	Rama Shankar s/o Sham Lal	In appeal
13.	Balwinder Singh s/o Tarsem Singh	Not in appeal and whole property demolished

20. Ld. Counsel for the petitioner has not been able to controvert or dispute the above noted factual and legal position.
21. In view of the above, no further directions are required to be issued in the matter. Present petition accordingly stands **dismissed**.
22. Rule stands discharged.
23. Pending application(s) if any also stand(s) disposed of.

18.08.2025

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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No

(Nidhi Gupta)
Judge