



CWP-21464-2021 (O&M)

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

(103)

CWP-21464-2021 (O&M)

Date of Decision : 05.05.2025

Municipal Corporation, Chandigarh

...Petitioner

Versus

Permanent Lok Adalat and others

...Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Amit Jhanji, Sr. Advocate with
Mr. Sanjiv Ghai, Advocate and
Ms. Triyyambika Rao, Advocate
for the non-applicant/petitioner.

Mr. Chetan Mittal, Sr. Advocate with
Mr. Vikas Jain, Advocate
Mr. Kunal Mulwani, Advocate
Mr. Devanshu Aggarwal, Advocate
Mr. Vishesh Jain, Advocate and
Ms. Aarzoo, Advocate
for the applicants/respondents No.2 to 43.

Mr. Mayank Sharma, Advocate
for respondents No.44 to 49.

KULDEEP TIWARI, J.(ORAL)**CM-6767-CWP-2025**

1. Application is for preponement of the main writ petition, which is fixed for hearing on 19.05.2025.
2. Fetching apprehension to be evicted on account of the demolition drive, which is being undertaken by the U.T. Chandigarh Administration, the applicants/respondents No.2 to 43, has approached this Court, for adjudication of the main writ petition, on merits.

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3. Learned senior counsel for the applicants/respondents No.2 to 43, submits that an award dated 31.12.2019, has been passed in their favour by the learned Permanent Lok Adalat concerned. However, the said award has been stayed, by the Coordinate Bench of this Court, by drawing an order dated 25.10.2021, and under the garb of the said interim stay order, the U.T. Chandigarh Administration, is now evicting all the applicants/respondents, from their respective *Jhuggis/kacha houses*.

4. Notice of the application to the non-applicant/petitioner.

5. Mr. Sanjiv Ghai, Advocate, who is present in the Court, accepts notice on behalf of the non-applicant/petitioner, and waives service.

6. Considering the gravity and the apprehension raised by the learned senior counsel for the applicants/respondents No.2 to 43, this Court, finds merit in the instant application, and therefore, the same is **allowed**.

7. Main case is preponed from 19.05.2025, and is ordered to be taken on the board today itself.

CM-6768-CWP-2025

1. Application for placing on record Annexures R-1 to R-24, is allowed, as prayed for, and the same are taken on record subject to just exceptions.

2. Application stands **disposed of** accordingly.

CM-6769 and 6770-CWP-2025

1. Learned senior counsel for the applicants/respondents No.2 to 43, submits that he does not wish to press both the instant applications, since this Court has already fixed the main case for arguments.

2. Consequently, both the instant applications are **dismissed as withdrawn, being not pressed at this stage**.

**CWP-21464-2024**

1. Through the instant writ petition, cast under Articles 226/227 of the Constitution of India, a challenge is thrown to the impugned order dated 31.12.2019 (Annexure P-12), passed by the learned Permanent Lok Adalat (Public Utility Services), Union Territory, Chandigarh, wherethrough, the application preferred by the respondents No.2 to 43, has been allowed, and the petitioner was directed to allot 125 sq. yards (each) plinth area to respondents No.2 to 43, for their work place and residence at village Maloya, and Bhaskar Colony, Chandigarh.

2. At the very outset, learned senior counsel representing the respondents No.2 to 43, fairly submits before this Court, that the motion made before the learned Permanent Lok Adalat concerned, by the respondents, in fact, is a misconceived motion, as the learned Permanent Lok Adalat concerned, does not vest with the subject jurisdiction. However, he submits that the award dated 31.12.2019 (Annexure P-12), has been passed in their favour, and on account of the pendency of the instant writ petition, they are not in a position to take any other alternative recourse. He further submits that the respondents have also filed a CWP No.12433 of 2025, for issuance of a direction upon the U.T. Chandigarh Administration, to restrain them from uprooting and demolishing their *Jhuggis/kacha houses*, and also for the allotment of a plinth sites, in terms of the award dated 31.12.2019 (Annexure P-12), as passed by the learned Permanent Lok Adalat concerned. However, that motion was disposed of, with a liberty to the applicants/respondents, to approach this Court, by making necessary application for redressal of their grievance. Finally, he submits that in the motion petition, the only scope is the legality of the impugned award.



Furthermore, the motion filed before the learned Permanent Lok Adalat concerned, is itself not maintainable, and therefore, he may be granted the liberty to withdraw the said petition.

3. At this stage, Mr. Amit Jhanji, learned senior standing counsel for the U.T. Chandigarh Administration, submits that only as a stop gap arrangements, the respondents No.2 to 43 herein, would be shifted to a one bedroom flat, before uprooting them, subject to the adjudication of their entitlement, either to the one bedroom flat, or the plinth area, as claimed before the learned Permanent Lok Adalat concerned, which has to be adjudicated by the authorities concerned.

4. In view of the above development, this Court finds that in case, the applicants/respondents are not allowed to withdraw the motion, filed before the learned Permanent Lok Adalat concerned, they would, in fact, become remediless. Therefore, this Court finds merit in the submission made by the learned senior counsel for the applicants/respondents, and consequently, they are allowed to withdraw the motion, as filed before the learned Permanent Lok Adalat concerned.

5. Furthermore, on account of the statement made by the learned senior counsel for the U.T. Chandigarh Administration, a mandamus is passed upon the U.T. Chandigarh Administration, that before uprooting the respondents No.2 to 43, from their respective *Jhuggis/kacha houses*, they shall be shifted to a one bedroom flat. It goes without saying that the said arrangement is purely a stop gap arrangement, and will not confer any right/title, upon the respondents No.2 to 43, upon the said arrangement of one bedroom flat.

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6. The U.T. Chandigarh Administration, is directed to consider the claim and entitlement of respondents No.2 to 43, either with regard to the one bedroom flat, or the plinth sites, in view of the policy/decision, as adopted by the U.T. Chandigarh Administration.

7. The exercise to decide the entitlement of the respondents No.2 to 43, shall be carried out within a period of six months, from the date of receipt of certified copy of this order. In case, the respondents No.2 to 43, are not found to be entitled for a one bedroom flat, the latter(s), shall vacate the said one bedroom flat arrangement, as provided by the U.T. Chandigarh Administration, within a period of 30 days thereafter.

8. Furthermore, in case, the respondents No.2 to 43, fetches any grievance of the decision, to be taken by the U.T. Chandigarh Administration, they are at liberty to take all legal remedies, as may be available to them, in accordance with law.

9. Consequently, the instant writ petition is **disposed of**.

(KULDEEP TIWARI)
JUDGE

May 05, 2025
Manpreet

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No