

CWP-17414-2025

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

CWP-17414-2025

Date of decision: 19.06.2025

Sanjay Patel and others

....Petitioners

Versus

Union Territory of Chandigarh and others

...Respondents

**CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL
HON'BLE MR. JUSTICE AMAN CHAUDHARY**

Present:- Mr. Anil Mehta and Ms. Sukriti Kaur, Advocates for the petitioners.

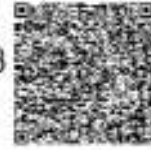
Mr. Amit Jhanji, Senior Standing Counsel UT, Chandigarh with
Mr. Sumeet Jain and Mr. Himanshu Arora, Advocates,
for the respondents.

ANIL KSHETARPAL, J.

1. The admitted facts that emerge in the present case are that the land which is under occupation of the petitioners, is owned by the Chandigarh Administration, regarding which a civil suit was preferred by them way back in the year 2012, which was partly decreed on 27.09.2016, with two fold reliefs, firstly, their dispossession therefrom to be in due course of law as also to consider their claim keeping in view the objects of welfare State as well as scheme for resettlement of slum dwellers.

2. The petitioners, in 2019 sought execution of the aforesaid decree by filing Exe./473, which was dismissed on 18.07.2023, observing therein that the executing Court cannot traverse beyond the decree, it is executing, relevant whereof reads thus:

“The JDs no.1 and 2 alone were arrayed as defendants in the said suit. A perusal of Annexure A1 and A2 reveals that JD



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No.2 has already referred the matter to the Finance Department, U.T. Chandigarh to consider the claim of the DH as per the Judgment dated 27.09.2016 since the action regarding framing of policy falls in the jurisdiction of Finance Department, U.T., Chandigarh. Thus, the JD has already done what it could do and the JD cannot be compelled to frame policy when it has no jurisdiction to do so. The finance department, U.T., Chandigarh is not a party in the present execution and therefore as such no direction can be issued to the Finance Department as prayed in the execution application. Therefore, the objections are allowed and since the case of the DH is pending for consideration in the finance department, no useful purpose would be served by continuing with the present execution application.”

3. Learned counsel for the petitioners has himself produced the copy of order dated 18.06.2025, whereby the claim submitted by them for rehabilitation stands rejected, thus, there is no gainsaying that one of the two directions passed by the Civil Court stands complied with. However, with regard to their dispossession to be only in due course of law, learned Senior Standing Counsel appearing for UT, Chandigarh has brought to the notice of this Court, a fact, un rebutted by counsel opposite that a public notice was duly issued on 12.06.2025, which they did not even choose to challenge. We, thus, find the action ensuing therefrom to be well within the four corners of law.

4. Apparently, the land in question, which was under the unauthorized occupation of the petitioners, is to be utilised for developing public utility



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infrastructure in alignment with the Chandigarh Master Plan, as such, the judgement in Olga Tellis and others vs. Bombay Municipal Corporation and others (1985) 3 SCC 545 does not come to the rescue of the petitioners, particularly when their claims have already been considered and rejected.

5. In wake of the above, the present writ petition stands disposed of. However, leaving the petitioners with a liberty to challenge the order dated 18.06.2025, in accordance with law, if so advised.

(ANIL KSHETARPAL)
JUDGE

(AMAN CHAUDHARY)
JUDGE

19.06.2025

Parveen

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