



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CWP-34384-2025 (O&M)

DATE OF DECISION: 21.11.2025

M/S COMMANDO CATERERS PVT LTD

... Petitioner

Versus

UNION TERRITORY OF CHANDIGARH AND OTHERS

... Respondent(s)

**CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL
HON'BLE MR. JUSTICE DEEPAK MANCHANDA**

Present: Mr. S.S. Narula, Senior Advocate with
Mr. Gurmohan Singh Bedi, Advocate
Mr. Pawandeep Singh, Advocate
Mr. Siddharth Grover, Advocate
Mr. Ambika Bedi, Advocate for the petitioner(s).

Mr. Anand Chhibbar, Senior Advocate with
Ms. Ateevraj Sandhu, Advocate
Mr. Ranjan Lohan, Advocate
Mr. Shaurya Khanna, Advocate for respondents No.1 to 4.

Mr. Amit Jhanji, Senior Advocate with
Mr. Abhinav Sood, Advocate
Ms. Eliza Gupta, Advocate
Mr. Nitesh Jhahria, Advocate
Mr. Mehndi Singhal, Advocate
Mr. Sayyam Garg, Advocate for respondent No.5.

ANUPINDER SINGH GREWAL, J. (ORAL)

CM-17284-CWP-2025

This application is for placing on record various documents which are annexed at Annexures P-23 to P-25.

2. Issue notice to the non-applicants/respondents. Mr. Amit Jhanji,

Senior Advocate and Mr. Anand Chhibbar, Senior Advocate put in appearance

on behalf of respondents No.1 to 4 and respondent No.5 respectively and submit that they have no objection if the documents are taken on record.

3. Heard.

4. The application is allowed and documents annexed at Annexures P-23 to P-25 are taken on record subject to all just exceptions.

MAIN CASE

Learned senior counsel for the petitioner *inter alia* submits that the impugned order passed on 14.11.2025 directing the petitioner to remove/dismantle the various building violations, is in violation of Rule 10 of the Chandigarh Estate Rules, 2007 inasmuch as 60 days time to show cause had not been provided furnished to the petitioner. The alleged notice under Rule 10 was issued on 31.10.2025, as is mentioned in the impugned order itself. He, therefore, submits that the respondents have acted with undue haste and passed the order of demolition on 15.11.2025 thereby depriving the petitioner of availing the statutory remedy of preferring an appeal in terms of Rule 18 of the Chandigarh Estate Rules, 2007.

2. Issue notice to the respondents.

3. Mr. Amit Jhanji, Senior Advocate and Mr. Anand Chhibbar, Senior Advocate put in appearance on behalf of respondents No.1 to 4/Chandigarh Administration and respondent No.5/Chandigarh Club respectively.

4. Mr. Amit Jhanji, Senior Advocate controverts the submissions of the learned senior counsel for the petitioner and submits that the impugned order was passed in accordance with law.

5. Mr. Anand Chhibbar, Senior Advocate, who is appearing through video conferencing, submits that the petitioner has violated the terms and conditions of the licence granted by respondent No.5 to the petitioner and therefore, respondents No.1 to 4/Chandigarh Administration is not renewing the lease granted to respondent No.5/Chandigarh Club.

6. Heard.

7. After hearing learned counsel for the parties, we are of the considered view that the impugned order is appealable under Rule 18 of the Chandigarh Estate Rules, 2007. It is trite that when an alternative statutory remedy is available, this Court would ordinarily be hesitant to exercise its writ jurisdiction. Reference can be made to the judgment of the Supreme Court in the case of **Whirlpool Corporation v Registrar of Trademarks, Mumbai, (1998) 8 SCC 1**, wherein it was held as under:

“Under Article 226 of the Constitution, the High Court, having regard to the facts of the case, has a discretion to entertain or not to entertain a writ petition. But the High Court has imposed upon itself certain restrictions one of which is that if an effective and efficacious remedy is available, the High Court would not normally exercise its jurisdiction. But the alternative remedy has been consistently held by this Court not to operate as a bar in at least three contingencies, namely, where the writ petition has been filed for the enforcement of any of the Fundamental Rights or where there has been a violation of the principle of natural justice or where the order or proceedings are wholly without jurisdiction or the vires of an Act is challenged.”...

8. Consequently, the petition stands dismissed at this stage.

9. The petitioner would be at liberty to prefer an appeal and in the event of it doing so, the same would be considered and decided in accordance with law.

(ANUPINDER SINGH GREWAL)
JUDGE

(DEEPAK MANCHANDA)
JUDGE

21.11.2025
SwarnjitS

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