



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CWP-PIL-34-2026 (O&M)
Date of Decision: 25.03.2026

ENVIRONMENT PROTECTION SOCIETY (REGD.)

... PETITIONER

Versus

STATE OF PUNJAB AND OTHERS

... RESPONDENTS

**CORAM:- HON'BLE MR. JUSTICE SHEEL NAGU, CHIEF JUSTICE
HON'BLE MR. JUSTICE SANJIV BERRY**

Present:- Mr. Shri Kant Rattan, Advocate (arguing counsel)
for the petitioner.

Mr. Salil Sabhlok, Senior DAG, Punjab.

Mr. Satya Pal Jain, Addl. Solicitor General of India
(arguing counsel) with
Mr. Karanvir Kathuria, Central Govt. Counsel.

Mr. Maninder Singh Garcha, Senior Advocate
(arguing counsel) with
Ms. Priyanka Dhillon, Advocate and
Ms. Mehak Kanwar, Advocate,
for respondents No.6 and 7.

Mr. Puneet Bali, Senior Advocate (arguing counsel), with
Mr. Jasman Singh Gill, Advocate and
Ms. Avi Kaushik, Advocate,
for respondent No.9.

SANJIV BERRY, J.

1. The instant writ petition under Article 226 read with Articles 21, 48(A) and 51-A(g) of the Constitution of India has been preferred by the petitioner Society by way of Public Interest Litigation, essentially seeking a writ of Mandamus directing respondent Nos. 1 to 7 to declare/notify the area



having 961 fully grown green trees as mentioned in the head-note of the petition as forest.

2. During course of proceedings, a report from the Revenue Authorities was called regarding the area in question where the aforesaid trees are allegedly standing.

3. In compliance thereof, Naib Tehsildar, SAS Nagar (Mohali) has filed his affidavit intimating that the property in question is owned and possessed as per Revenue Record as '*Gair Mumkin Milkh*', 7.45 acres thereof owned by respondent No.9- The Working Friends Cooperative House Building Society Limited Mohali and 7.45 acres is owned by respondent No.10-ABS Builder and Promoters LLP.

4. In the reply submitted by respondent No.6-GMADA, it is categorically submitted that the land in question is private property owned by respondent No.9 to the extent of 14.9 acres which was earlier acquired by Land Acquisition Collector in 1995 but the said acquisition was challenged and ultimately, the Hon'ble Supreme Court vide order dated 12.10.2015 in SLP No.28369/2012 had set-aside the acquisition. The review petition filed before the Hon'ble Supreme Court was also dismissed vide order dated 23.02.2016, and thereafter, the ownership and possession of the land stand vested in respondent No.9 and GMADA has no right or authority to interfere with the ownership rights or possession of private respondent No.9 over the said private property.

5. Respondent No.2 has also filed short reply wherein it states that the legal status of land is determined as per the records of the State Government and if the legal status of the land is forest, only then the provisions of the VAN (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 is applicable on the same.



6. The private respondent No.9 in its reply has stated the land to be a private property owned and possessed by respondent No.9 having entered into joint development agreement with respondent No.10 and even having obtained the No Objection Certificate (Annexure R9/19) from the Divisional Forest Officer, SAS Nagar.

7. Thus, from the above, it transpires that the petitioner by way of instant writ petition has essentially sought a writ of mandamus to declare the private property owned by respondent No.9 and 10 to be 'forest', granting of such declaration does not fall within the purview of judicial review under Article 226 of the Constitution and therefore, we refrain from entertaining this petition.

8. Resultantly, without commenting on the merits of the case, we dispose of the instant writ petition with liberty to the petitioner to prefer a representation to respondent No.5, if so advised, within a period of one month from the date of receipt of copy of this order, and if such representation is preferred, then the respondent No.5 will consider the same in accordance with law and dispose of the same within 30 days therefrom by passing a speaking order.

9. Pending application(s) if any, shall also stand disposed of.

(SANJIV BERRY)
JUDGE

(SHEEL NAGU)
CHIEF JUSTICE

Dated: 25.03.2026

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i)	Whether speaking/reasoned?	Yes/No
ii)	Whether reportable?	Yes/No