

2026:PHHC:075269-DB



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

1. CWP-18679-2010 (O&M)

Gurgaon One Residents Welfare Association, Gurgaon

....Petitioner

Versus

State of Haryana and others

...Respondents

2. CWP-16529-2018 (O&M)

Seema Verma and others

....Petitioners

Versus

Union of India and others

....Respondents

3. CWP-20989-2018 (O&M)

Yuva Sangharsh Samiti and others

....Petitioners

Versus

Union of India and others

....Respondents

4. CWP-1538-2019 (O&M)

Sanjay Passi

....Petitioner

Versus

Union of India and othes

....Respondents

Reserved on : 18.03.2026
Pronounced on : 13.05.2026
Uploaded on : 13.05.2026

Whether only operative part of the judgment is pronounced or the full judgment is pronounced: operative part/full judgment

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

Present: Mr. Harmanjit Singh Jugait, Advocate, (arguing counsel)
and Mr. Paramvir Singh Mavi, Advocate,
for the petitioners (in CWP-18679-2010).

Mr. Vishal Gupta, Advocate (arguing counsel)
and Mr. Abhishek Sharma, Advocate,
for the applicants-petitioners (in CM-10336-CWP-2019 and CM-10337-CWP-2019).

Mr. Vikas Dhawan, Senior Advocate,
(arguing counsel through V.C.)
with Mr. Ajiteshwar Singh, Advocate (arguing counsel)
for the petitioners (in CWP-1538-2019).

Mr. Lokendra Singh, Advocate,
for the petitioners (in CWP-20989-2018).

Mr. Manuj Kaushik, Advocate,
Mr. Tarsem Rana, Advocate,
for DHBVN/respondent (in CWP-18679-2010).

Mr. Deepak Balyan, Advocate,
for respondent-M.C., Gurgaon.

Mr. Deepak Sabherwal, Addl. A.G., Haryana,
for respondent-HSVP.

Mr. Ankur Mittal, Senior Advocate,
with Ms. Kushaldeep Kaur, Advocate,
Ms. Sharvi DAdwal, Advocate,
for respondent No.3-HSIIDC.

Mr. Satya Pal Jain, Addl. Solicitor General of India,
(arguing counsel)
Mr. Dheeraj Jain, Senior Advocate (arguing counsel)
with Mr. Akash Vashisth, Advocate,
for respondent-UOI.

SHEEL NAGU, C.J.

1. This order judgment shall dispose of four petitions i.e. CWP-

18679-2010, CWP-16529-2018, CWP-1538-2019 and CWP-20989-2018 together, as common questions of law and facts are involved in all these petitions. For reference, facts are being taken from CWP-18679-2010.

2. The present petition (CWP-18679-2010) invoking writ as well as supervisory jurisdiction of this Court under Article 226 read with Article 227 of the Constitution of India, is filed by petitioner-Gurgaon One Residents Welfare Association, Gurgaon, through its authorized representative, essentially aggrieved by the haphazard construction activity going on within the prohibited area of 900 metres in the vicinity of Air Force Ammunition Dump at Gurgaon and also against the reckless felling of trees.

3. For ready reference and convenience, prayers made in this petition, are reproduced below:-

(i) For issuance of a writ in the nature of Mandamus directing respondents to enforce the provisions of Works of Defence Act, 1903; Punjab Scheduled Roads and Controlled Areas Restriction of Unregulated Development Act, 1963; Haryana Development and Regulation of Urban Areas Act, 1975 and Haryana Urban Development Authority (Preservation of Trees) Regulations, 1979 for the purposes of removing and keeping in check the illegal haphazard construction activity going on within the prohibited area of 900 Metres in the vicinity of “Air Force Ammunition Dump” at Gurgaon and reckless felling of Trees within impunity, which the Respondent Authorities are otherwise duty bound in law to act and in which the Respondent Authority have so far been unable to handle despite being aware of and repeated representations by the petitioner and the apparent inaction and failure of the respondent authorities to cope with the present situation is against the Doctrine of Legitimate Expectation and Principles of Promissory Estoppel and is violative of Article 14 and 21 of the Constitution of India.

AND

(ii) to issue any other appropriate writ, order or direction which

this Hon'ble Court may deem think fit in the facts and circumstances of the present case.

4. This Court need not go into the prolixity of adjudication since the Apex Court in its recent decision dated 18.12.2024 given in the case of **M/s Goya Resorts Pvt. Ltd. vs. Union of India and others**, has decided a bunch of Civil Appeals i.e. Civil Appeal No.6079 of 2017, Civil Appeal No.6071 of 2017, Civil Appeal No.6067 of 2017, Civil Appeal No.6069 of 2017, Civil Appeal No.6080 of 2017, Civil Appeal Nos.6086-6089 of 2017, Civil Appeal No.6070 of 2017, Civil Appeal Nos.6074-6075 of 2017 and Civil Appeal No.9014 of 2017 by a common order.

4.1. In the aforesaid cases before the Apex Court, challenges were made to the judgment/orders passed by this Court. In some of these cases, challenge was made by persons aggrieved by orders of demolition of constructions having been made within the restricted area of 900 metres. A prayer was also made that notification dated 31.01.1983 issued u/s 3 of the Works of Defence Act, 1903 (for brevity 'the 1903 Act') had lapsed by efflux of time.

4.2. The Apex Court by rendering a common order dated 18.12.2024, after hearing the respective parties, struck down the declaration made u/s 3 of the 1903 Act, dated 31.01.1983, on the ground of Union of India and its functionaries having failed to take any further steps for forty years. However, the quashing of the said notification dated 31.01.1983 was kept in abeyance for a period of 3 to 4 months to enable the Union Government to carry out fresh exercise before issuing notification u/s 3 of the 1903 Act. The Civil appeals before the Apex Court were thus, allowed in the following terms:-

- “(a) The impugned judgment of the High Court is set aside.
- (b) The impugned declaration under Section 3 of the 1903 Act dated 31.01.1983 and the impugned notices are hereby quashed.

(c) The above quashing of the declaration shall remain in abeyance up to 31.05.2025.

d) The Central Government would be at liberty to publish a fresh declaration under Section 3 of the 1903 Act within the above time whereafter, such fresh declaration shall come into force from the date of its publication.

e) No action would be taken by the respondents in the meantime on the basis of the notification dated 31.01.1983 under Section 3 of the 1903 Act.

f) Appellants shall not raise any further constructions in the meantime till fresh notification is issued.

g) The respondents shall proceed strictly in accordance with the scheme of the Act after issuing fresh declaration under Section 3 of the 1903 Act.”

5. While disposing of the above said appeals, the Apex Court also restrained the individuals to raise any further construction till fresh notification is issued.

6. On this Court enquiring from Mr. Satya Pal Jain, learned Additional Solicitor General of India, as to whether any fresh notification has been issued or not, learned Additional Solicitor General of India answered in the ‘negative.’

7. In view of the above, it is obvious that the entire controversy has been set at rest by the said decision of the Apex Court in **M/s Goya Resorts Pvt. Ltd.** (supra).

8. The Apex Court has also restrained further construction from taking place till fresh notification is issued by the Central Government.

8.1. Since, it is a categorical stand of the Union of India that no such fresh notification has been issued and individuals have been restrained from making any further construction till fresh notification under the 1903 Act is issued, the grievance of the petitioner(s) in the present petition(s), for the time

being stands redressed.

9. All the aforesaid petitions (CWP-18679-2010, CWP-16529-2018, CWP-1538-2019 and CWP-20989-2018), therefore, stand disposed of with a direction that common order passed by the Apex Court on 18.12.2024 in the case of M/s Goya Resorts Pvt. Ltd. Vs. Union of India and others, Civil Appeal No.6079 of 2017 and other connected Civil Appeals, shall apply *mutatis mutandis* for disposal of these cases.
10. All pending application(s), including CM-18884-CWP-2018 and CM-10336-CWP-2019, also stand disposed of.

(SHEEL NAGU)
CHIEF JUSTICE

(SANJIV BERRY)
JUDGE

13.05.2026
Ajay Prasher

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