

2025:PHHC:050375



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

CWP-10452-2025

Date of Decision: 21.04.2025

Arjun Singh and another

..... Petitioners

Versus

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present: Mr. Chetan Mittal, Senior Advocate assisted by
Mr. Kanwalvir Singh Kang, Advocate
for the petitioners.

Mr. Navneet Singh, Sr. DAG, Punjab.

Mr. Mukesh Chander Berry, Advocate
for respondents No.2 and 4.

Mr. Sanjeev Soni, Advocate
for respondent No.3/M.C.

HARSH BUNGER J. (ORAL)

Prayer in the present writ petition, filed under Articles 226/227 of the Constitution of India, *inter alia*, is for issuance of a writ in the nature of Certiorari for setting aside the impugned orders dated 11.08.2017 (Annexure P-27) and 29.03.2022 (Annexure P-37) and all other related notices/orders passed prior thereto (Annexures P-21 to P-25).

1.1. A further prayer has been made for issuance of a writ in the

nature of Mandamus for directing respondent Authorities to grant approval to the petitioners in terms of the similar benefits granted to similarly situated persons.

2. Learned Senior counsel representing the petitioners, *inter alia*, submits that earlier also the petitioners had approached this Court praying for similar relief, however, during the pendency of the said writ petition, a letter dated 25.04.2024 (Annexure P-3) was issued to the petitioners, which reads as under:-

“Your application dated 16.04.2024 was received in this office vide letter under reference on the subject cited above vide which, information was sought regarding the action taken regarding the earlier application dated 18.07.2023 regarding regularization of unauthorized construction up to permissible construction to SCO No.135-136 at District Shopping Centre, Ranjit Avenue, Amritsar.

A copy of the application dated 16.04.2024 given by you was sent to the Executive Officer, Improvement Trust, Amritsar vide this office letter dated 16.04.2024 requesting that you kindly inform this office about the action taken regarding your application. In this regard, as per the report received from the Executive Officer, Improvement Trust, Amritsar dated 19.04.2024, you are informed that your application cannot be considered until the Hon'ble Court disposes of the pending court case regarding the site under the subject matter mentioned in the report received from the Executive Officer, Improvement Trust, Amritsar. Further action with regard to your application will be taken on deciding the aforesaid case by the Hon'ble Court.”

3. It is submitted that in pursuance of the said letter, the petitioners moved an application bearing No.CM-7481-2024 in CWP-4269-2023, seeking withdrawal of the writ petition at that stage. In view of the above referred letter dated 25.04.2024, the said application (CM-7481-2024) as

well as the main writ petition (CWP-4269-2023) came to be disposed of vide order dated 06.05.2024 passed by a co-ordinate Bench of this Court, wherein writ petition was dismissed as withdrawn with liberty to the petitioners to file a fresh one, if need so arises.

4. Learned Senior counsel representing the petitioners submits that despite the lapse of almost one year, no action has been taken by the respondents-Authorities as regards the claim of the petitioners regarding regularization/compounding of the construction raised by the petitioners by way of Shop-cum-Offices (SCO) beyond the height of 100 Feet. It is further submitted that the claim of the petitioners is liable to be considered in the light of the letter dated 16.01.2020 (Annexure P-13).

5. At this stage, Mr. Navneet Singh, Senior Deputy Advocate General, Punjab and Mr. Sanjeev Kumar Soni, Advocate, have appeared on behalf of respondent No.1/State and respondent No.3/M.C. respectively, in pursuance of the advance copy(ies) of paper book having already been supplied to them.

5.1. Mr. Mukesh Chander Berry, Advocate appears and files *Vakalatnama* on behalf of respondents No.2 and 4 in Court today, which is taken on record, subject to all just exceptions.

6. Learned counsel for respondents submits that as regards the claim of the petitioners, the matter is pending consideration before the concerned Authorities and the final decision shall be taken thereon within a period of one month from the date of receipt of certified copy of this order, after affording due opportunity of hearing to all the concerned parties.

7. Keeping in view the aforesaid submissions made by learned counsel for the respondents, the present writ petition is accordingly disposed of. The petitioners would be at liberty to put forth their claim before the

concerned Authorities.

7.1. It goes without saying that in case, the claim of the petitioners does not find favour with the respondents/concerned Authorities, the petitioners would be at liberty to avail their remedies, in accordance with law, by raising all pleas available to them.

8. All the pending application(s), if any, shall also stand closed.

21.04.2025

Pd

(HARSH BUNGER)
JUDGE

1. Whether speaking/reasoned : Yes/No

2. Whether reportable : Yes/No