

IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH

2025:PHHC:038394



140

CWP-8020-2025

Date of decision:20.03.2025

Lovely Kumari & others

... Petitioners

Vs.

State of Punjab & others

... Respondents

**CORAM: HON'BLE MRS. JUSTICE SUKHVINDER KAUR.**

Present: Mr. Vipin Mahajan Advocate for the petitioners.

Mr. Neeraj Madaan, Sr. DAG, Punjab.

...

**SUKHVINDER KAUR, J. (ORAL).**

1. The instant writ petition has been filed under Articles 226/227 of the Constitution of India, inter alia, seeking a writ in the nature of Certiorari for quashing impugned notices dated 17.03.2025 and 18.03.2025 (Annexures P-8 to P-12) issued by the Municipal Corporation, Batala, Punjab.

2. Vide the aforesaid notices dated 17.03.2025 and 18.03.2025 (Annexures P-8 to P-12), petitioners were called upon to produce sanctioned building plan and ownership documents in the office of Municipal Corporation, Batala – as per Annexure P-8 by 19.03.2025, as per Annexure P-9, by 18.03.2025, as per Annexure P-10 by 19.03.2025 as per Annexure P-11 by 18.03.2025 and as per Annexure P-12 by 19.03.2025.

3. It has been contended by learned counsel for the petitioners that vide the impugned notices dated 17.03.2025 and 18.03.2025 (Annexures P-8 to P-12), the petitioners have been called upon to file the reply only within 24 hours, failing which the houses of the petitioners would be forcibly demolished with the police help, alleging that there are building violations in the residential houses where the petitioners are living for more than two decades. He has further contended that petitioners No.1 to 3 are living together in the same house and they have agreement to sell dated 15.05.2024 in their favour, petitioners No.4 and 5 are mother and son and are residing together in the residential house which was earlier in the name of Gurmukh Ram, who was father-in-law of petitioner No.4, petitioners No.6 and 7 are mother and son, Ashok Kumar, father of petitioner No.6 and husband of petitioner No.7 got the house in question from his father Aajam Ram by way of Will dated 07.05.2001, and Savinder Kumari respondent No.7 purchased ½ marla of residential house vide registered sale deed dated 31.08.2009. He has urged that petitioners are living in these houses along with children and aged parents and respondents cannot be permitted to make them homeless without following due procedure under law.

4. Alongwith the present writ petition, no material/document have been appended to indicate the ownership of petitioners qua the properties regarding which the impugned notices have been issued.

5. When aforesaid was brought to the notice of learned counsel for the petitioners, he has submitted that he may be permitted to withdraw the present writ petition with liberty to the petitioners to file a civil suit and obtain interim orders/stay orders after showing the proof of their ownership

regarding properties in question. He has further submitted that to enable the petitioners to avail the above said remedy before the civil Court, the operation of the impugned notices at Annexures P-8 to P-12 issued by the Municipal Corporation, Batala, Punjab, may be stayed for a period of ten days. He has also referred to order dated 04.03.2025 passed in CWP-6234-2025 titled as 'Sania @ Saniya Vs. State of Punjab' passed by a Co-ordinate Bench of this Court, wherein a similar relief has been granted.

6. Learned State counsel has rendered no objections if this writ petition is also disposed of in the same terms.

7. Keeping the above in view, the present writ petition is dismissed as withdrawn. However, any further action on the impugned notices dated 17.03.2025 and 18.03.2025 (Annexures P-8 to P-12) issued by the Municipal Corporation, Batala, Punjab, shall be kept in abeyance for a period of ten days from today, so as to enable the petitioners to avail their remedy before the Civil Court. However, in case the petitioners are not able to produce any stay order from the Civil Court within the aforesaid period of ten days, the authorities may proceed further in pursuance to the impugned notices (Annexures P-8 to P-12), in accordance with law.

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

9. A copy of this order be given to learned counsel for the petitioners under the signatures of the Bench Secretary.

**(SUKHVINDER KAUR)**  
**JUDGE**

**20.03.2025**

*harjeet*

Whether speaking/reasoned?

Yes/No

Whether reportable?

Yes/No