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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CM-10255-CWP-2025 and
CM-10256-CWP-2025 in/and
CWP-33652-2019
Date of decision:-11.05.2026

Surinder Pal Singh

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM : HON'BLE MR. JUSTICE SUVIR SEHGAL
HON' BLE MR. JUSTICE VIKAS SURI

Present: Mr. J.S. Toor, Senior Advocate with
Mr. Adhiraj Toor, Advocate
for the petitioner.

Mr. Akhil Kamra, AAG, Punjab.

Mr. Hridyavans S. Randhawa, Advocate for
Mr. R.P.S. Bara, Advocate
for respondents No.2 and 3.

SUVIR SEHGAL, J.(ORAL)

CM-10255-CWP-2025

1. Application is allowed, as prayed for.
2. Replication to the reply filed on behalf of respondents No.2 and 3, is taken on record.

CWP-33652-2019(O&M)

3. This petition has been filed, *inter alia*, for issuance of a direction to quash demand notices dated 28.12.2012 and 10.12.2018, Annexures P1 and P2, respectively, whereby non-construction fee has



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been demanded from the petitioner in respect of plot No.1837, Sector 80, SAS Nagar (Mohali). A further prayer has been made for directing the respondents to sanction the building plan submitted by the petitioner.

4. Mr. J.S. Toor, learned Senior counsel for the petitioner states that petitioner was allotted the plot in question in the year 2007 and a conveyance deed was executed in the year 2009. As per counsel, petitioner submitted the application for sanctioning of building plan on 26.07.2010, but vide communication dated 20.08.2010, Annexure P4, respondents informed the petitioner that plot was under litigation and building plan has been kept pending till the decision of the Court. It is contended that despite repeated reminders, no decision was taken by respondents and in the meanwhile, impugned demand notices have been issued imposing non-construction charges. It is the argument of the counsel for the petitioner that once the respondents had prevented petitioner from raising construction by keeping the building plan pending, petitioner cannot be burdened with non-construction charges.

5. On the other hand, Mr. Hridyavans S. Randhawa, counsel for respondents No.2 and 3 – GMADA urges that, in fact, no litigation was pending qua the plot in question and the communication, Annexure P4, was issued by the official concerned without approval of the competent authority. It has been submitted that adjoining plot holders have raised construction and obtained the occupation as well as completion certificates as per the stand taken in the written statement.



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6. We have heard counsel for the parties and have gone through the record.

7. Admitted position that emerges from the record is that petitioner submitted building plan for sanction on 26.07.2010, but he was informed that the plot is under litigation and the sanction cannot be granted till the litigation is over. Petitioner continued efforts to seek clarification regarding the status of the litigation, but he was kept in the dark. In response filed before this Court, respondents No.2 and 3 have taken a categorical stand that there was no litigation pertaining to the plot in question and the communication had been issued without prior approval of the Estate Officer. Thus, aforesaid respondents cannot now turn around and penalize the petitioner for non-construction when he was prevented from raising the construction because of their intimation.

8. Petitioner cannot be made to suffer on account of the fault of GMADA. Once respondents No.2 and 3 failed to process the building plan for years together, petitioner cannot be held liable to pay non-construction fee for the said period. Even otherwise, demand of non-construction fee, without first deciding the petitioner's request for sanction of building plan and without clarifying the status of the plot, is not justified and deserves to be set aside.

9. For the foregoing reasons, writ petition is allowed. Demand notices dated 28.12.2012 and 10.12.2018, Annexures P1 and P2, respectively, are quashed. Respondents No.2 and 3 are directed to



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process and decide petitioner's application for sanction of building plan in accordance with law within a period of four months from the date of receipt of certified copy of this order. In case there are any objections or deficiencies, the same shall be communicated to the petitioner within the aforesaid period and he shall be granted a reasonable opportunity to remove the same.

10. It is clarified that respondents No.2 and 3 shall not levy non-construction fee for the period during which the sanction of building plan remains pending. After the building plan is sanctioned and petitioner fails to raise the construction within the prescribed period, respondents No.2 and 3 would be at liberty to proceed in accordance with law.

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

(SUVIR SEHGAL)
JUDGE

(VIKAS SURI)
JUDGE

11.05.2026
Brij

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No