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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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Reserved on: 04.03.2025

Date of Decision : 03.04.2025

JAISHREE BAGGA

...Petitioner

V/S

STATE OF PUNJAB AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR
HON'BLE MR. JUSTICE VIKAS SURI

Present : Mr. K.S. Dadwal, Advocate for the petitioner.

Mr. Maninder Singh, Sr. DAG, Punjab.

Mr. H.S. Baidwan, Advocate
for respondents No.4 to 8-PSPCL.

SURESHWAR THAKUR, J.

1. Through the instant writ petition, the petitioner has prayed for the issuance of a writ in the nature of Certiorari, thus seeking the quashing of clause 2.0, embodied in the notification dated 25.11.2024 (Annexure P-10), which was endorsed vide letter dated 04.12.2024 (Annexure P-11), regarding the grant of electricity connection in an unauthorized colony, whereby only upto 31st of July 2024, vis-a-vis those allottees who have entered into power(s) of attorney or agreement(s) to sell on stamp paper or were having any registered document, thus became endowed the entitlement to obtain registrations from the Registrar or Sub-Registrar, or Joint Sub Registrar, thus from 1.12.2024 to 28.02.2025, whereupon there was no necessity of obtaining No Objection Certificate (NOC) from the competent authority of the Department of Housing and Urban Development Punjab.



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2. The said restriction is contended to debar the bona fide purchasers who prior to the stipulated date thus had acquired a valid right, title and interest over the subject plot rather from obtaining the requisite NOC. Therefore, it is contended that the apposite cut off, date is discriminatory besides abridges or snatches the rights of those plot holders, who had made valid purchases of the subject plots and had subsequently legally constructed residential houses, prior to (supra) dates nor the said cut off date is based upon any intelligible differentia nor has any rationale nexus with the object(s) sought to be achieved. Therefore, through the fixing of the cut off date, they become disabled to obtain the NOCs for the relevant purposes.

3. The brief facts of the case are that the petitioner purchased 11 marlas land, situated in Silvar Estate, Street No.1, Opposite resident of Raj Kumar, on Bajwara Bypass, village Bajwara, District Hoshiarpur. Since the petitioner has purchased the aforesaid land for the purpose of constructing a house and accordingly the petitioner obtained the apposite sanctioned plan, thus from the authorities concerned. As per the building plan, the covered area was 316 Sq. ft. and the rest of the area was kept open.

4. For the purpose of construction, the petitioner had taken temporary electricity connection on 28.3.2022 bearing Account No.3007798623 and the bill category was mentioned as LS/TEMPDS_DPC.

5. Since there is no defect either in the ownership of the petitioner, nor the petitioner defaulted in obtaining sanctions vis-a-vis the building plan, therefore, the petitioner was sanguine that her temporary connection would be regularized. However to the dismay of the petitioner, the officials of respondent No.5 rather disconnected the temporary electricity connection



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of the petitioner, on 1.4.2024, but without assigning any reason and/or without giving any opportunity to the petitioner to explain the circumstances/defect, if any, whereupon she was to be tenably declared to become dis-entitled from continuing with the temporary electricity connection or for making the said temporary connection to be permanent.

6. Subsequently, the petitioner applied to the respondent Nos.4 and 5, thus for the installation of the permanent electricity connection and for that purpose through Annexure P-4 on 24.6.2024, even the requisite fees was also paid by the petitioner.

7. Despite the submission of the supra application, yet no action has been taken thereons, by the respondent Nos.4 and 5 and as already submitted, the temporary electricity connection of her house rather was disconnected on 01.04.2024. Resultantly, in the scorching summer, the petitioner was led to live in the subject house, without the basic amenity of electricity, despite the petitioner undertaking to submit the requisite fees, thus for the releasing of the permanent connection, if any.

8. The petitioner further avers that in the vicinity of her house, one Satwinder Singh, is also provided electricity connection bearing Account No.3003330781. The number of users of electricity connection(s) in the vicinity is not restricted, rather all the residents are having electricity connection. However, yet no electricity connection has been given to the petitioner.

9. When no action was taken for restoring the temporary electricity connection nor the petitioner was granted permanent electricity connection, therefore, the petitioner served a legal notice dated 4.7.2024 (Annexure P-5) upon the respondents No.2 to 6, calling upon them, to either



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restore the temporary electricity connection or grant her the permanent connection.

10. Despite the receipt of legal notice, no action was taken by the respondents. The petitioner continued to approach the respondents and in that regard the petitioner came to know about the notification dated 18.10.2018, issued by the respondent No.1, wherefrom, it transpired that for the purpose of dealing with any unauthorized colony, the Punjab Laws (Special Provisions) Act, 2013 (hereinafter referred to as 'the Act of 2013') has been enacted; the same was reenacted in the year 2014 and further reenacted in the year 2016 whereunders a policy No.12/2/2014-5HG2/3052 dated 21.08.2013 (amended vide No.12/2/13-5Hg2/4017 dated 5.11.2013) and further policy No.12/04/16-5Hg2/892764/1 dated 15.12.2016, thus was/were notified for the compounding of unauthorized colonies and for the regularization of plots/buildings falling under unauthorized colonies.

11. The notification further provides, that in the exercisings of the power conferred by Section 9 of the Act of 2013, thus the supra notification has been issued for the compounding of the unauthorized colonies and for the regularization of the plots and building(s), falling within such colonies.

12. The petitioner assailed the notification (Annexure P-7) by way of filing CWP No.20729 of 2024 which came up for hearing before this Court on 27.08.2024 (Annexure P-8), and, this Court was pleased to dispose of the same by observing, that in event of any subjudice legal notice/representation, thereupon the competent authority shall consider and deal with the same in accordance with law within a period of four weeks.

13. The aforesaid order was sent to the respondent along with the representation dated 30.08.2024 through registered letter (Annexure P-9).



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Although the respective registration of the sale deed, as well as the construction raised by the petitioner after obtaining the relevant sanctions rather are not in dispute, but the sale deed was stated to be not entertainable for the second time thus within a period from 1.12.2024 to 28.2.2025. A copy of the notification with regard to the relevant stipulation becomes appended herewith as Annexure P-10 and the circular issued by respondents is appended herewith as Annexure P-11.

14. After coming to know about the aforesaid discriminatory clause, the petitioner sent a representation (Annexure P-12) to the Chief Engineer (Commercial) of Punjab State Power Corporation Ltd.

15. When no adherence was shown to Annexure P-12, thereupons the petitioner served a legal notice dated 15.1.2025 (Annexure P-13) upon the respondent(s), wherein, it became mentioned that the (supra) cut-off date, which has been fixed in the notification (Annexure P-10), when has further been given effect to vide circular (Annexure P-11), thus, is/are not sustainable rather are discriminatory.

16. The nerve centre of the instant case is clause 2.0 of the notification dated 25.11.2024 (Annexure P-10), provision whereof becomes extracted hereinafter.

*“In pursuance to the said amendment of The Punjab Apartment and Property Regulation. Act, 1995, the Governor of Punjab exercising the power vested under section 20 (5) of The Punjab Apartment and Property Regulation Act, 1995 and all other powers enabling him in this behalf is pleased to announce **that any person who upto 31st July, 2024, for an area upto 500 sq. yds. situated in an un-authorized colony has entered into a power of attorney or agreement to sell on stamp paper or having any registered document w.r.t title of land shall be entitled to get***



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registration of such plot executed before a Registrar or Sub-Registrar or Joint Sub-Registrar from 1st December 2024 to 28th February 2025 without obtaining No Objection Certificate from the Competent Authority of Department of Housing and Urban Development, Punjab and Department of Local Government, Punjab as the case may be.”

17. A perusal of the clause (supra), reveals that any person who upto 31st July, 2024, for an area upto 500 sq. yds, situated in an unauthorized colony, has entered into a power of attorney or agreement to sell on stamp paper or having any registered document with reference to title of land, shall be entitled to obtain registration of such apposite plot, from the Registrar or Sub-Registrar or Joint Sub-Registrar, but from 1st December 2024 to 28th February 2025. On the makings of the said registration, it was stated therein, that there is no requirement of obtaining any No Objection Certificate from the Competent Authority.

18. Although when neither the execution of the sale deed appertaining to the subject plot nor the sanction of the building plan which resulted in construction being raised over the disputed plot, rather are under any cloud. Therefore, the effect of the above, is that, there was no requirement as such to re-register the plot with the Sub Registrar concerned.

19. Even if assumingly there was any requirement for rescinding the earlier made registration qua the plot concerned, thereupons the power to rescind the earlier executed deed of conveyance became vested in the Civil Court concerned.

20. The necessity as enjoined upon the plot owners to, despite theirs earlier holding validly executed registered deeds of conveyance, thus yet re-execute registered deeds of conveyance, but ipso facto exhibits, that



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therebys the earlier registered deeds of conveyance become annulled that too, with no power vesting in the authority concerned, to rescind the earlier executed registered deeds of conveyance. As such, there was no requirement for re-registration of the subject plots concerned.

21. As a consequence, the prescription of the cut off date, snatches or truncates, the rights of those vendees who had earlier acquired a perfect title over the disputed plots and yet are led to make a re-registration of the plots, thus from/within the cut off date. Moreover, thereafter those plot owners who despite obtaining valid sanctions from the competent department, thus become, precluded from the (supra) cut off date i.e. 1st December 2024 to 28th February, 2025, as mentioned in the impugned notification dated 25.11.2024, rather from raising further constructions and also become further precluded to obtain the NOCs from the department concerned, as relate to providing of basic amenities to the dwelling houses of the concerned.

22. Resultantly, therebys the cut off date is meaningless and/or is redundant, to the extent (supra) qua therebys it is neither based on any intelligible differentia nor it has any nexus with the objective sought to be achieved, inasmuch as, the unauthorized constructions over an unauthorized colony being permissible to be compounded, thus only within the arena of the stipulations as made in the apposite notification/rules/building byelaws. Though the said cut off date, may have some sound legal effect, but only with respect to the unauthorized constructions raised over unauthorized colonies, besides may have some legal worth in respect of invalidly executed registered deeds of conveyances, but it has no worth at all, in the present factual scenario, thus unfolding qua with there being a validly executed



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registered deed of conveyance, besides when there being a validly raised construction over the subject plot, yet re-registration thereof, becoming stipulated Therefore, the cut off date is arbitrary and discriminatory qua the instant factual scenario, and to the said extent it is required to be read down, and, is so read down.

23. In aftermath, there is merit in the instant petition and the same is allowed. Accordingly, the impugned clause 2.0 containing the supra stipulation in the notification dated 25.11.2024 (Annexure P-10), which has also been endorsed vide letter dated 04.12.2024 (Annexure P-11), thus, is hereby quashed and set aside. Consequently, the respondent concerned, is directed to release all the basic amenities, vis-a-vis the subject plot, as therebys the fundamental right to life as enshrined under Article 21 of the Constitution of India, thus would become endowed to the present petitioner, which otherwise would not become endowed, in case this Court validates, the per se discriminatory and arbitrary cut off date, as embodied in Clause 2.0 of the notification dated 25.11.2024 (Annexure P-10). Accordingly, the respondent concerned, is directed to release the permanent electricity connection to the petitioner's house.

(SURESHWAR THAKUR)
JUDGE

03.04.2025

Ithlesh

(VIKAS SURI)
JUDGE

Whether speaking/reasoned:-
Whether reportable:

Yes/No
Yes/No