

**CWP-4023-2026 (O&M)****1**

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

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CWP-4023-2026 (O&M)
Date of Decision: 10.02.2026

CHOPRA HOTELS PRIVATE LIMITED

... **Petitioner**

V/S

STATE OF PUNJAB AND ANOTHER

... **Respondents**

CORAM: HON'BLE MRS. JUSTICE RAMESH KUMARI

Present: Mr. Chetan Mittal, Senior Advocate and
Mr. Gaurav Chopra, Senior Advocate with
Mr. Mayank Aggarwal, Advocate
Mr. Swapnil Gupta, Mr. Himanshu Bindal,
Mr. Prateek Gupta, Mr. Swapnil Gupta,
Mr. Pranshu Goyal, Mr. Avichal Sharma,
Mr. Anmol Rai Garg, Advocates
for the petitioner.

Mr. Chanchal Kumar Singla, Addl. A.G. Punjab, assisted by
Ms. Kavita Joshi, Advocate for respondent No.1.

Mr. Maninderjit Singh Bedi, Advocate General, assisted by
Mr. Ferry Sofat, Advocate and
Mr. Sangam Garg, Advocate
for respondent No.2.

RAMESH KUMARI, J.

1. This petition invoking writ as well as supervisory jurisdiction of this Court under Article 226 read with Article 227 of the Constitution of India, prays for following relief:

- a) Quash the decision dated 06.11.2025 taken by the respondent No.2 refusing to grant relaxation from demolition of non-approval construction (Annexure P-1);



- b) Quash the action sealing the Hotel Building of the petitioner at Plot B-XII-294-B-9/2/2762, Police Line Road, Jalandhar as on 05.02.2026 and allow petitioner access to the Hotel Building;
- c) Quash the order dated 06.02.2026 (Annexure P-2) issued by respondent no.2 in respect of hotel building constructed at Plot B-XII-294-B-9/2/2762, Police Line Road, Jalandhar ;
- d) In the alternative, grant six months' time period for undertaking rectification work commencing from the date Petitioner is given access to the Hotel Building and permitted to carry out rectification work;
- e) Pass an ex-parte ad-interim order directing to stay the effect of Demolition Order dated 06.02.2026 (Annexure P-2) issued by Respondent No.2 until the disposal of the present petition;
- f) Pass an ex-parte ad-interim order directing stay of the action of sealing taken on 05.02.2026;
- g) Any other order(s) as this Hon'ble court may deem fit in the interest of justice.

2. Learned senior counsel for the petitioner submitted that orders dated 06.11.2025 and 06.02.2026, Annexures P-1 and P-2, respectively are passed by respondent No.2 as the petitioner is publisher of group of newspapers namely 'Hind Samachar' and 'Punjab Kesari' and these newspapers, while publishing stories/news do not toe the Government directions/policies and because of political vendetta.

3. At the very outset, learned counsel for the respondents submitted that the present writ petition is not maintainable in view of Section 269 of



the Punjab Municipal Corporation Act, 1976 (for short 'the Act, 1976') and prayed for dismissal of the present writ petition on this score alone.

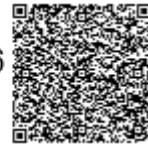
4. Learned senior counsel for the petitioner relied upon judgment of Hon'ble Apex Court titled as **Directions in the Matter of Demolition of structures, in Re (2025) 5 Supreme Court Cases 1** and contended that the directions prescribed vide this judgment is not followed while issuing notice, Annexure P-2 and prayed that petitioner be granted time to demolish the unauthorized construction at its own level because, in case, the respondents are allowed to demolish the unauthorized or unapproved construction, under the garb of said demolition, the respondents are likely to demolish/damage the hotel structure as a whole.

5. During the course of arguments it is undisputed that left front set back of the hotel of petitioner is 15.37%=4052.54 Sq.ft. against approved 20.03% =5280.25 Sq. ft. and its level has also been extended about +4'-6". Apart from this, in rear setback, room measuring 16 feet X 27 feet has been built up, which is not according to building bye-laws. Meaning thereby, the construction on the front and back is not as per the approved site plan. If the construction of the hotel of petitioner is not as per approved site plan, then any action taken by the statutory authority cannot be termed as a result of political vendetta.

6. Learned State counsel has referred Section 269 of the Act, 1976 by contending that only Court of District Judge has jurisdiction to decide the legality of order of demolition.

7. Section 269 of the Act, 1976 read as under:-

"269. Order of demolition and stoppage of buildings and works in certain cases and appeal.- (1) Where the

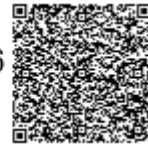


erection of any building or execution of any work has been commenced, or is being carried on, or has been completed without or contrary to the sanction referred to in section 262 or in contravention of any condition subject to which such sanction has been accorded or in contravention of any of the provisions of this Act or bye-laws made thereunder, the Commissioner may, in addition to any other action that may be taken under this Act, make an order directing that such erection or work shall be demolished by the person at whose instance the erection or work has been commenced or is being carried on or has been completed, within such period (not being less than three days from the date on which a copy of the order of demolition with a brief statement of the reasons therefor has been delivered to that person) as may be specified in the order of demolition:

Provided that no order of demolition shall be made unless the person has been given by means of a notice served in such manner as the Commissioner may think fit, a reasonable opportunity of showing cause why such order should not be made:

Provided further that where the erection or work has not been completed, the Commissioner may by the same order or by a separate order, whether made at the time of the issue of the notice under the first proviso or at any other time, direct the person to stop the erection of work until the expiry of the period within which an appeal against the order of demolition, if made, may be preferred under sub-section (2).

(2) Any person aggrieved by an order of the Commissioner made under sub-section (1) may prefer an appeal against the order to the Court of the District Judge of the City within the period specified in the order for the demolition of the erection or work to which it relates.



(3) Where an appeal is preferred under sub-section (2) against an order of demolition, the Court of the District Judge may stay the enforcement of that order on such terms, if any, and for such period, as it may think fit:

Provided that where the erection of any building or execution of any work has not been completed at the time of the making of the order of demolition, no order staying the enforcement of the order of demolition shall be made by the Court of the District Judge unless security, sufficient in the opinion of the Court, has been given by the appellant for not proceeding with such erection or work pending the disposal of the appeal.

(4) Save as provided in this section no court shall entertain any suit, application or other proceeding for injunction or other relief against the Commissioner to restrain him from taking any action or making any order in pursuance of the provisions of this section.

(5) Every order made by the Court of the District Judge on appeal and subject only to such order, the order of demolition made by the Commissioner shall be final and conclusive.

(6) xxx xxx xxx”

8. I have also gone through the judgment of Hon’ble the Apex Court titled as **Directions in the Matter of Demolition of structures, in Re (2025) 5 Supreme Court Cases 1**. Vide this judgement certain directions are issued regulating demolition of unauthorized construction made by individuals facing criminal charges.

9. Section 269 of the Act makes it abundantly clear that the appeal lies against orders Annexures P-1 and P-2 to the Court of District Judge of the city where the premises are situated, within the period



specified in the order for demolition of the erection and the petitioner instead of approaching the Court of District Judge has filed the present petition.

10. Consequently, the preliminary objection raised by the respondents is upheld. The instant petition is disposed of without commenting upon merits, relegating the petitioner to avail alternate statutory remedy under Section 269 of the Act, 1976.

11. Since, no order on merits has been passed, any assertion on merits is only meant for the purpose of deciding the preliminary objection raised by the respondents and shall have no bearing on the merits of the case before any other competent statutory authority or in any other proceedings.

(RAMESH KUMARI)
JUDGE

10.02.2026
pooja saini

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No