

CWP-PIL-170-2024 (O&M)
CWP-PIL-249-2024

District Bar Association, Malerkotla
Vs.
State of Punjab and others

Present : Mr. Gaurav Vir Singh Behl, Advocate (arguing counsel),
Mr. Jugraj Singh Chauhan, Advocate, and
Ms. Raageshwari Sharma, Advocate,
for the petitioner.

Mr. Salil Sabhlok, Senior DAG, Punjab.

Mr. Deepak Balyan, Addl. Advocate General, Haryana.

Mr. Nitish Jhanjhria, Advocate, for
Mr. Abhinav Sood, Addl. Standing Counsel, UT Chandigarh.

Mr. Gaurav Chopra, Senior Advocate (arguing counsel), with
Mr. Shobit Phutela, Advocate,
Ms. Seerat Saldi, Advocate, and
Ms. Arundhati, Advocate,
for respondent No.4 – High Court.

* * *

1. Pursuant to order dated 01.08.2025, the State of Punjab has filed compliance report by way of affidavit dated 12.08.2025, duly sworn by Secretary to Government of Punjab, Department of Home Affairs and Justice, accompanied by letter dated 05.08.2025 issued by the Government of Punjab, Department of Justice, granting administrative approval for construction of two additional court rooms in the Litigant Block of Judicial Courts Complex, Malerkotla.

2. However, Shri Gaurav Chopra, learned senior counsel appearing on behalf of respondent No.4 – High Court, points out to conditions No. 2 and 14 contained in the said administrative sanction letter dated 05.08.2025, which are to the following effect :-

“2. The work shall be commenced only in the situation where the concerned authority has availability of funds.

x x x x x x x x x

14. The administrative approval shall be valid for a period of one (01) year from the date of its issuance. If the work is not allotted during this period, the approval shall be deemed to have automatically lapsed.”

2.1 The aforesaid condition No.2 implies that if the State of Punjab declines or delays release of funds, then the work in question would never commence.

2.2 Accordingly, the State of Punjab, by writ of mandamus, is directed to issue fresh administrative approval, by deleting aforesaid condition No.2 and including financial approval from the Department of Finance, and to make available requisite funds, so that construction can commence without any further delay.

2.3 As regards condition No.14, which has been reproduced above, it restricts validity of administrative approval to only one year, meaning thereby that if funds are not made available by the State and one year lapses, the administrative approval will have to be applied/sought again.

2.4 Accordingly, the State of Punjab is directed to delete aforesaid condition No.14.

3. The affidavit dated 12.08.2025 of Secretary to Government of Punjab, Department of Home Affairs and Justice is accompanied by certain photographs showing the houses, which are occupied by Executive authorities in Malerkotla, and a recently built Guest House, which is temporary residence of Deputy Commissioner, Malerkotla.

3.1 The aforesaid affidavit dated 12.08.2025, along with photographs, be placed before Building Committee, Punjab, of this Court, which is requested to delve upon the aspect as to whether Guest House, Malerkotla, can be used for residence or/and court room by District & Sessions Judge, as and when posted at Malerkotla; and whether any other buildings presently occupied by an Executive authorities of Malerkotla can be used for residence or court room purposes by the Judicial Officers posted at Malerkotla. The Building Committee is requested to hear representative of the State of Punjab, before taking a decision qua the aforesaid aspect.

4. The affidavit dated 12.08.2025 is silent on the aspect of discovering alternative site, within or outside Municipal Council, Malerkotla, for permanent court rooms and permanent residences for Judicial Officers.

4.1 Let affidavit in that respect be filed before the next date of hearing.

5. With regard to transit accommodation in the State of Haryana, additional affidavit dated 12.08.2025 filed by the Chief Secretary to Government of Haryana, *inter alia*, reveals that there is a proposal for construction of ten (10) transit flats in Mini Secretariat, Sonipat.

5.1 The construction may take a number of years and, therefore, the very purpose of transit accommodation for Judicial Officers of Haryana posted in remote areas of the State, will stand defeated.

5.2 Accordingly, the State of Haryana is directed to ensure requisitioning constructed flats, about 40/50 in number, which can house the families of all the Judicial Officers, who are posted in remote areas of the State, so that concerns of education of their children can be taken care of, by staying

close to good quality educational institutions, which are normally available in bigger cities, like Gurugram, Panchkula and Sonipat.

5.3 Let a fresh affidavit in this respect be filed by the State of Haryana before the next date of hearing.

6. The affidavit dated 12.08.2025 filed by the Chief Secretary to Government of Haryana, which discloses deficiencies with regard to various Districts, i.e. Ambala; Faridabad; Hisar; Karnal; Kaithal; Mewat (Nuh); Panipat; Rewari and Yamuna Nagar, is nothing but a repetition of the earlier affidavit dated 09.07.2025.

6.1 As such, the State of Haryana is directed to identify along with photographs those accommodations, which are presently occupied by Executive authorities in these Districts, so that this Court may consider vacating those accommodations and allotting the same to Judicial Officers or for the court rooms, wherever deficiency exists.

7. As regards other Districts, matter will be taken up on the next date of hearing.

8. List on 12.09.2025.

9. Photocopy of this order be placed on the file of connected case.

(SHEEL NAGU)
CHIEF JUSTICE

August 22, 2025
narotam

(RAMESH KUMARI)
JUDGE