



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

(281)

CWP-16435-2026

DATE OF DECISION: 15.09.2026

Shamshid Ahmed and others

.....Petitioners

VERSUS

Union of India and others

.....Respondents

CORAM HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

HON'BLE MR. JUSTICE PRAVINDRA SINGH CHAUHAN

Present Ms. Savita Sisodia, Advocate, and
Mr. C.S.S.Sisodia, Advocate,
for the petitioners.

Mr.Karan Kumar Jund, Senior Panel Counsel
for respondent no.1-UOI.

Mr. Jaivir Singh Chandel, Additional Standing Counsel,
Mr. Tanvir Singh Attariwala, Junior Panel Counsel,
for respondents no.2 to 5.

PRAVINDRA SINGH CHAUHAN, J.

1. The petitioners in the present petition have invoked the extraordinary writ jurisdiction of this Court under Articles 226/227 of the



Constitution of India assailing the demolition order dated 13.4.2026 (Annexure P-12) passed under Sections 5, 6 and 11 of the Punjab New Capital (Periphery) Control Act, 1952 as amended by the Chandigarh Administration (Amended) Act, 1972 (hereinafter referred to as 'the Act of 1952'), by respondent no.4 exercising the powers of respondent no.3, whereby construction on 0.1 1/2 Marla of land, Houses Lintel comprised in Khasra No.68//19, situated in village Mani Majra, U.T, Chandigarh has been directed to be removed being unauthorized and in contravention of the provisions of 'the Act of 1952'.

2. Learned counsel for the petitioners has submitted that the petitioners are engaged in the business of fish farming and poultry for the last 20/30 years. In order to reduce the market value, they had been selling the products right from the source, since the year 1999. The said business is being run by the petitioners in khasra no.68//19 and they are following the provisions of the 'the Act of 1952' *qua* their work within the revenue estate of U.T, Chandigarh. It has been further submitted that some of the petitioners have got issued licences from the Chandigarh Administration which subsequently were got renewed from the office of respondent no.2. It has been further submitted that earlier the petitioners started the business after taking permission from the land owners but thereafter, they purchased the land vide sale deed on the basis of General Power of Attorney, Will, Agreement and Special Power of Attorney. Further, it is submitted that for running the aforesaid business, petitioners have constructed animal sheds



along with other necessary structures (tin sheds) thereon. She further argues that electricity meters have been installed in the names of the petitioners and the electricity bills have been regularly paid in lieu of running of their business.

3. It has been submitted by counsel appearing on behalf of the petitioners that on a frivolous complaint filed by adjoining land owners, respondent no.3 - Deputy Commissioner, Estate Office, U.T, Chandigarh has started issuing notices to the petitioners despite the fact that the land has been purchased by them. One of such notice is dated 31.10.2023 (Annexure P-9). It is submitted that inspite of showing all the documents regarding their ownership, demolition order i.e (Annexure P-12) has been issued ignoring the fact that the petitioners are running their businesses to earn bread and butter for their families and have also created employment for other families. Learned counsel further submitted that petitioners had moved a representation dated 22.11.2025 (Annexure P-10) with a prayer to frame a policy for their rehabilitation before they were dispossessed from their farming and sale-related arrangements, particularly the same were situated on their own land and properties. Without taking notice of the representation, respondent no.3 issued a demolition order dated 13.04.2026 (Annexure P-12), under Sections 5, 6 and 11 of 'the Act of 1952' and hence, prayer for quashing of the impugned demolition order dated 13.04.2026 (Annexure P-12) has been made.



4. On the other hand, Mr. Karan Kumar Jund, learned Senior Panel counsel for respondent No.1-UOI, and Mr. Jaivir Singh Chandail, learned Additional Standing Counsel for respondents No.2 to 5, submitted that the present petition, at the instance of petitioners No.2 to 15, is not maintainable for want of proper addresses and cause of action, inasmuch as the said petitioners have failed to place on record any document establishing the legality of the constructions raised by them. Learned counsel further submitted that the said petitioners have neither challenged any notice issued by the competent authority nor impugned any order passed against them.

5. Learned counsel for the respondents have vehemently argued that the petitioners have no right or authority to raise any construction or to carry on commercial activities on the land in question, which is admittedly agricultural land and falls within the 'Control Area' as declared under 'the Act of 1952'. It has been further submitted that any construction raised on or change of use of the said land without obtaining the requisite permission from the competent authority is contrary to the provisions of 'the Act of 1952'. Therefore, it was contended that the demolition order dated 13.04.2026 (Annexure P-12) passed by the competent authority is legal, valid and a speaking order passed in strict adherence with the due process of law as prescribed under 'the Act of 1952' and calls for no interference by this Court in exercise of its writ jurisdiction.



6. We have heard learned counsel for the parties and with the assistance of learned counsel for the petitioners have gone through the pleadings as well as the documents appended with the writ petition.

7. Before advertng to the rival submissions, it would be apposite to record a preliminary observation touching upon the very maintainability of the writ petition in its present form.

8. The present writ petition has been filed by as many as 15 petitioners, however, learned counsel for the petitioners was unable to demonstrate or produce any order of demolition similar to Annexure P-12 that has been passed *qua* petitioners no.2 to 15 or that any of them are, in fact, aggrieved by any adverse order passed against them individually. The challenge, therefore, is squarely confined to the demolition order dated 13.04.2026 (Annexure P-12), which admittedly pertains only to the construction raised by petitioner no.1. Be that as it may, since the impugned order Annexure P-12 is the only order under challenge and placed before this Court, therefore, this Court would proceed to examine the legality and validity of the said order alone, without expressing any opinion on the individual grievances, if any, of the petitioners no.2 to 15, who are neither impleaded with particulars nor are substantiated by any document on record.

9. Ms. Savita Sisodia, learned counsel for the petitioners, has argued that petitioner no.1 is engaged in the business of fish farming and poultry for which purpose animal sheds have been constructed. She submitted that petitioner no.1 being owner of the land measuring 2 kanals 2-



1/2 marlas, comprised in Khasra No.68//19, situated in village Manimajra, which is an agricultural land, falling within the 'Control Area' as is evident from the sale deed Annexure P-4, has a vested right to raise construction thereon in furtherance of his business/livelihood. She further argues that electricity meters have been installed in the names of the petitioners and the electricity bills have been regularly paid, which, according to her, lends credence to the bona fides of the petitioners' possession as well as their running of the business. She further submits that, upon receipt of the above said notices, the petitioners furnished all relevant documents to the authorities, substantiating their claim but all in vain. Learned counsel further argued that impugned demolition order Annexure P-12 is otherwise unsustainable in law, having been passed in violation of the principles of natural justice and that since the petitioners are dependent upon the said business for their livelihood, impugned direction strikes at the very root of their fundamental right guaranteed under Article 21 of the Constitution of India, 1950.

10. *Per contra*, Sh. Jaivir Singh Chandel, Additional Standing Counsel, UT, Chandigarh appearing for respondents no.2 to 5 has vehemently opposed the writ petition by submitting that the land in question is apparently agricultural land falling within the 'Control Area' as declared under 'the Act of 1952'. This fact stands amply established from the recital of the sale deed Annexure P-4 itself, upon which the petitioners' entire case fails at the threshold. He further submits that due compliance with the



provisions of ‘the Act of 1952’ more particularly Section 12(2) thereof has been made, inasmuch as, a show cause notice dated 31.10.2023 (Annexure P-9) was duly served upon petitioner no.1, ample opportunity of personal hearing was afforded to him. However, it was petitioner no.1 himself who failed to avail the said opportunity satisfactorily. It is further submitted that even the inquiry contemplated under Section 12(2) of ‘the Act of 1952’ was conducted and the Inquiry Report dated 30.09.2025 (Annexure R-1) when read-with the photographs (Annexure R-2) unequivocally establishes the existence of unauthorized structures despite service of notice. Learned counsel further submits that plea of “the right of livelihood” raised on behalf of the petitioners cannot be countenanced under any circumstances. He submits that the petitioners cannot claim rehabilitation as they were fully aware, at the time of purchasing the property that the same was agricultural in nature, governed by ‘the Act of 1952’, and that no commercial or business activity could lawfully be carried out on their own. Having purchased the property with full knowledge of its nature and the statutory restrictions applicable thereto, the petitioners cannot now seek rehabilitation under the garb of any Rehabilitation Policy. Permitting such a claim would, in-effect, amounts to granting a benefit arising from unauthorized use of land, despite the petitioners prior knowledge of the applicable statutory restrictions.

11. Before examining the rival contentions, it would be apposite to reproduce the relevant Sections 12 and 15 of the statutory Scheme under ‘the Act of 1952’, as under:-



“12. Offences and penalties.

(1) Any person who-

(a) erects or re-erects any building or makes or extends any excavation or lays out any means of access to a road in contravention of the provisions of section 5 or in contravention of any conditions imposed by an order under section 6 or section 7, or

(b) uses any land in contravention of the provisions of sub-section (1) of section 11;

shall be punishable with (imprisonment of either description for a term which may extend to two years and fine which may extend to five thousand rupees) and in the case of a continuing contravention with a further fine which may extend to (five hundred rupees) for every day after the date of the first conviction during which he is proved to have persisted in the contravention.

(2) Without prejudice to the provisions of sub-section (1), [if the Deputy Commissioner, after making such inquiry as he considers necessary and after affording an opportunity of being heard to the person concerned, is satisfied that such person has committed a breach of the provisions of the said sub-section he may pass an order requiring that person] to restore to its original state or to bring into conformity with the conditions which have been violated, as the case may be, any building or land in respect of which a contravention such as is described in the said sub-section has been committed, and if such person fails to do so within [six weeks] of the order, may himself take such measures as may appear to him to be necessary to give effect to the order and the cost of such measures shall be recoverable from such person as an arrears of land revenue.

15. Exemption.- Nothing in this Act shall apply to-



(a) any building for residential purposes or for purposes subservient to agriculture in the abadi area of any village as defined in the revenue records;

(b) the erection or re-erection of a place of worship or a tomb or cenotaph or of a wall enclosing a grave-yard, place of worship, cenotaph or samadhi on land which is, at the time of the notification under sub-section (2) of section 3, occupied by or for the purposes of such place of worship, tomb, samadhi, cenotaph or graveyard;

(c) excavations (including wells) or other operations made in the ordinary course of agriculture;

(d) the construction of an unmetalled road intended to give access to land solely for agricultural purposes.”

12. The first argument of the learned counsel for the petitioners that petitioner no.1 is the owner of the land in question, which is admittedly agricultural land and is running his business thereon, in our considered view, this very submission is fatal to the petitioners' case rather than advancing it. It is neither the case of the petitioners that the land is non agricultural in nature nor that it falls outside the "Control Area" notified under 'the Act of 1952'. Moreover, the petitioners have not placed on record any document demonstrating that they have obtained permission for change of land use of this very agricultural land. On the contrary, the sale deed dated 25.08.2020 (Annexure P-4), upon which the petitioner no.1 himself places reliance upon to assert his title, expressly and unambiguously describe the land as "agricultural land". The petitioners, therefore, purchased the land with complete and constructive knowledge of its nature and of all the statutory restrictions attached thereto under 'the Act of 1952'. It is the law of the land



that a subsequent purchaser cannot claim a higher or better title or an immunity then what was inherit in the land at the time of the purchase. The plea that the petitioner no.1 is a bonafide purchaser, running a legitimate business is therefore, wholly misconceived, for the ownership of agricultural land, it does not *ipso facto*, confer upon the owner right to raise unauthorized construction thereon or to change its uses without obtaining previous permissions as contemplated under Sections 5 and 6 of 'the Act of 1952'. Admittedly, no such permission was ever sought much-less granted in favour of the petitioners.

13. Insofar as the reliance placed upon the installation of the electricity meters and payment of bills is concerned, the said submission does not advance the petitioners' case any further. It is well settled and indeed has been correctly submitted on behalf of the respondents, that release of an electricity connection is merely a service rendered by statutory utility for an altogether different purpose. Such a connection does not, and cannot, confer any right, title or interest upon the recipient *qua* the land, nor can it operate to regularize unauthorized structure or validate the use of land contrary to the statutory provisions.

14. The contention raised on behalf of the petitioners that the notices dated 31.10.2023 (Annexure P-9) issued under Section 12(2) of 'the Act of 1952' could not have been issued, or ought not to have been pursued further, since the petitioners had furnished documents, subsequent to its issuance is devoid of any substance. The scheme under Section 12(2) of 'the



Act of 1952' itself contemplates that the Deputy Commissioner may upon being satisfied after conducting due inquiry and affording an opportunity of hearing to the person concerned that a breach has occurred, may proceed to pass an appropriate order. The record, more particularly the Inquiry Report dated 30.09.2025 (Annexure R-1) read-with the photographs (Annexure R-2) demonstrate that despite service of the notices, the unauthorized structures continued to exist on the land and it was only thereafter that the impugned notice Annexure P-12 came to be passed.

15. Learned counsel for the petitioners was unable to place on record any document before the competent authority which could have persuaded it to take a different view, nor has any specific infirmity been demonstrated in the manner in which the inquiry was conducted. Mere furnishing of certain documents subsequent to the issuance of notice, which neither substantiate the case of petitioners nor satisfy the mandate of 'the Act of 1952' cannot operate as a bar to the exercise of statutory powers once a breach stands established from the records.

16. The submission of the petitioners' counsel that there was violation of the principles of natural justice is also founded on a false premise. We find the submission of the petitioners, to be wholly devoid of merits. The record reveals that a show cause notice dated 31.10.2023 (Annexure P-9) was duly issued, an inquiry, as contemplated under Section 12(2) of 'the Act of 1952' was conducted culminating in the Inquiry Report dated 13.09.2025 (Annexure R-1) and it is only thereafter, upon the



unauthorized structure continued to remain in existence, that the impugned order dated 13.04.2026 (Annexure P-12) was passed.

17. Learned counsel for the petitioners was unable to demonstrate with reference to any specific pleadings or documents as to in what manner the said procedure fell short of the requirement of a fair hearing. A bald and general assertion of violation of principles of natural justice, unaccompanied by any specific particular, cannot suffice to vitiate an order, which has been passed after following the due statutory procedure by a competent authority.

18. Learned counsel for the petitioners has tried to impress upon by making submission that ‘the right to livelihood’ of the petitioners stands infringed by passing of the impugned demolition order. However, this argument of the petitioners, cannot be accepted in the present case. It is a settled law that “the right to livelihood”, though it flows from and forms and constitutes an integral part of the right to life guaranteed under Article 21 of the Constitution of India, but it is not an absolute and unrestricted right and cannot be stretched to protect an activity i.e otherwise illegal or contrary to the provisions of law. Applying the aforesaid settled principle of law to the case in hand, the claim of livelihood, however, genuine it may otherwise be, cannot give any right to raise or continue unauthorized structures upon agricultural land falling in the “Control Area”, in the teeth of the expressed statutory prohibition contained in Sections 5 and 6 of ‘the Act of 1952’. If we are to accept the argument raised by counsel for the petitioners, it would be to direct a violator of ‘the Act of 1952’ to perpetuate his illegal act merely



by asserting that the illegal structure is the source of his livelihood. A proposition that if accepted would render the entire regulatory scheme of 'the Act of 1952' redundant.

19. Insofar as the grievance regarding rehabilitation is concerned, we find that it is not a case of the petitioners that they have been deprived of their land or dispossessed therefrom. It is only the unauthorized structures raised thereon in violation of 'the Act of 1952', that have been directed to be removed. In these circumstances, in the absence of a Rehabilitation Policy specific to the agricultural land cannot be read as rendering the impugned action illegal, moreso, when the petitioners raised the construction with full knowledge of the statutory restrictions attached to the land.

20. We find it appropriate to notice that in a similar case in **Bhupinder Singh and another versus U.T, Chandigarh and another,** CWP No. 26552 of 2021, decided on 22.12.2021, wherein the petitioners therein having raised 40 tin sheds on agricultural land situated in village Maloya, U.T, Chandigarh and had also contended that the same were exempted under Section 15 of 'the Act of 1952' being subservient to agricultural activity, this Court has held that for an activity to qualify as 'subservient to agricultural land' within the meaning of Section 15 'the Act of 1952', it must bear a direct and proximate connection with the agricultural operations properly so called, and that a remote or indirect link would not suffice to attract the exemption. Further, that the exemption under Section 15 applies only to the land within the Abadi area of the village as



defined in revenue records, a condition admittedly not satisfied in the case in hand. The parity of reasoning in **Bhupinder Singh's case (supra)** applies on the facts of the present case. The land is admittedly agricultural land falling within the "Control Area", it does not fall within the Abadi area of the village and the structure raised thereon, a fish, chicken and meat market bear no direct nexus with any agricultural land activity, so as to warrant the exemption under Section 15 of 'the Act of 1952'.

21. Before parting with the plea of 'right to livelihood', howsoever sympathetically viewed cannot be permitted to operate as a licence to violate the mandatory provisions of validly enacted statute, more particularly one enacted to preserve the planned character of the cityscape of the city as unique as Chandigarh.

22. Further the argument raised by the counsel for the petitioners that the respondents are acting selectively and the illegal construction in adjoining areas are not being noticed, this argument will also of not any help to the petitioners as the petitioners cannot claim negative parity.

23. For the reasons recorded hereinabove, we are of the considered view that the impugned demolition order dated 13.04.2026 (Annexure P-12) has been passed strictly in accordance with the procedure prescribed under 'the Act of 1952', after due compliance of the principles of natural justice, and does not suffer from any illegality, infirmity, arbitrariness or perversity

warranting interference by this Court in exercise of its writ jurisdiction under Article 226 of the Constitution of India.

24. In view of above, writ petition, being devoid of any merit, is accordingly dismissed.

(JASGURPREET SINGH PURI)
JUDGE

(PRAVINDRA SINGH CHAUHAN)
JUDGE

15.09.2026
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Whether speaking / reasoned	Yes
Whether reportable	Yes