

M/s. Chopra Hotels Pvt. Ltd. Vs. Harbinder Singh Sekhon & Ors.

Civil Appeal Nos. _____ of 2026 arising out of SLP (C) No(s). 9321-9322 of 2026 · Supreme Court of India · 2026-04-08 · Vikram Nath · Sandeep Mehta · F2J-C-1153

Full judgment text

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[Civil Appeal Nos. _____ of 2026 arising out of SLP (C) No(s). 9321-9322 of 2026]

Vikram Nath, J.

1. Leave granted.

2. The present appeals arise from the judgment and order dated 26.02.2026 passed by the High Court of Punjab and Haryana at Chandigarh¹ in C.M. No. 2967-CWP- 2026 and C.M. No. 2968-CWP-2026 in CWP No. 38742 of 2025, whereby the High Court dismissed the applications filed by the Appellant seeking impleadment in the writ proceedings as well as clarification / modification of the interim order dated 24.12.2025 passed in the said writ petition.

3. The facts giving rise to the present appeals are as follows:

3.1. The Appellant is the owner of property bearing No. B-XIII- 294, Police Lines Road, Jalandhar. Change of land use from residential to commercial was granted in respect of the said property on 09.10.2006. Thereafter, on 28.04.2011, the Municipal Corporation, Jalandhar approved the building plan for construction of a hotel on the said property. On 31.07.2024, the Appellant applied for issuance of a completion certificate. During that process, a discrepancy relating to the front setback was pointed out. According to the Appellant, the discrepancy arose because the plot on site was trapezium shaped, whereas the sanctioned plan depicted it as rectangular.

3.2. On 15.12.2025, the State of Punjab notified the Punjab Unified Building Rules, 2025². According to the Appellant, under the 2025 Rules the minimum front setback requirement for commercial buildings stood reduced to 10 per cent, and the building of the Appellant, which is stated to maintain a front setback of 15.37 per cent, became compliant with the said regime. The 2025 Rules were thereafter challenged before the High Court in CWP No. 38742 of 2025. By interim order dated 24.12.2025, the High Court directed that those provisions of the notification dated 15.12.2025 which were inconsistent with the earlier Rules and Regulations be kept in abeyance. The High Court further directed that violations which were qualified as violations under the previous Rules and Regulations be not regularized.

3.3. According to the Appellant, the interim order dated 24.12.2025 thereafter came to be relied upon by the municipal authorities while proceeding against its building. On 05.02.2026, the premises on the said property were sealed. On 06.02.2026, a demolition order was issued by the Municipal Corporation, Jalandhar. The Appellant challenged the said action by filing CWP No. 4023 of 2026 before the High Court.

By order dated 10.02.2026, the High Court declined to entertain the writ petition and relegated the Appellant to the statutory remedy available under Section 269 of the Punjab Municipal Corporation Act, 1976³. The Appellant then carried the matter in LPA No. 415 of 2026. By order dated 12.02.2026, the Division Bench disposed of the appeal while relegating the Appellant to the statutory remedy before the competent appellate forum and granted limited protection against precipitative action till 16.02.2026 or till the filing of the appropriate plea, whichever was earlier.

3.4. On 12.02.2026, the Appellant submitted a representation to the Municipal Corporation, Jalandhar asserting that the property stood on commercial land, that the building maintained a front setback of 15.37 per cent, and that it was compliant with the 2025 Rules. On 13.02.2026, the Appellant also submitted revised building plans seeking approval for use of the building as a commercial complex in terms of the 2025 Rules. The said requests came to be rejected by orders dated 13.02.2026 and 14.02.2026, which were communicated on 16.02.2026.

3.5. The Appellant also preferred an appeal under Section 269 of the 1976 Act before the Additional District Judge, Jalandhar against the demolition order dated 06.02.2026. By order dated 17.02.2026, notice was issued in the appeal, but interim protection was declined. Aggrieved thereby, the Appellant approached the High Court by filing CR No. 1728 of 2026. By order dated 18.02.2026, the High Court directed that till the decision of the statutory appeal no coercive action shall be taken against the Appellant in the matter.

3.6. Since the Appellant's case was that the interim order dated 24.12.2025 passed in CWP No. 38742 of 2025 was being relied upon to deny to it the benefit of the 2025 Rules, the Appellant moved two applications in the said writ petition on 20.02.2026. By the first application, being C.M. No. 2967-CWP-2026, the Appellant sought impleadment in the writ petition. By the second application, being C.M. No. 2968-CWP-2026, the Appellant sought clarification/modification of the interim order dated 24.12.2025. It is also material to note that on 05.02.2026, the High Court had allowed an impleadment application filed by one KCB Infra LLP in the said writ petition.

3.7. The aforesaid applications filed by the Appellant in CWP No. 38742 of 2025 came to be dismissed by the High Court by the impugned order dated 26.02.2026. The High Court observed that the Appellant had no lis before that Court, that it was at liberty to agitate its grievance before the proper forum, and that it was not a necessary party to the case. On that reasoning, the application for impleadment was dismissed and the prayer for clarification of the order dated 24.12.2025 was also declined.

3.8. Aggrieved by the order dated 26.02.2026, the Appellant approached this Court by way of Special Leave Petition (Civil) Nos. 9321-9322 of 2026, out of which the present appeals arise. The matter was listed on 13.03.2026. On that date, this Court issued notice, and further directed that until further orders, the further proceedings in question pending before the High Court shall remain stayed.

3.9. In the meantime, since the Appellant's request for treatment of the building as a commercial building under the 2025 Rules had been rejected, the Appellant filed CWP No. 5839 of 2026 before the High Court assailing the rejection of its representation and the refusal to consider the revised building plan under the 2025 Rules. By order dated 16.03.2026, the learned Single Judge dismissed the said writ petition. While doing so, the learned Single Judge held that once the operation of the 2025 Rules had been ordered to be kept in abeyance by the Division Bench by order dated 24.12.2025 passed in CWP No. 38742 of 2025, there was no occasion at that stage for consideration of the revised building plan dated 13.02.2026 submitted by the Appellant in accordance with the 2025 Rules seeking change of usage from a hotel building to a commercial building.

3.10. The Appellant assailed the order dated 16.03.2026 by filing LPA No. 760 of 2026 before the High Court. The later record shows that the said Letters Patent Appeal was listed before the Division Bench and stood adjourned to 24.03.2026.

3.11. Insofar as the statutory appeal under Section 269 of the 1976 Act is concerned, the said appeal came to be dismissed by the Additional District Judge, Jalandhar on 17.03.2026. The Appellant then approached the High Court by filing CR No. 2579 of 2026. In the proceedings of the said revision petition, the High Court recorded on 17.03.2026 that the order of the appellate court had been pronounced at 05:00 PM and that demolition had commenced at 05:30 PM.

The High Court further recorded the statement of the learned Advocate General, on instructions from the Commissioner, Municipal Corporation, Jalandhar, that the demolition would be stopped immediately to await the hearing of the revision petition on the next day. The High Court made it clear that the State would remain bound by the said statement and that any demolition after 10:10 PM on 17.03.2026 would be in violation of its order passed on the same date.

3.12. On 18.03.2026, the High Court in CR No. 2579 of 2026 observed that the question of the Appellant's impleadment in the writ petition challenging the 2025 Rules rested upon its right to be considered under the 2025 Rules. The High Court further observed that the issue with respect to the operation of the 2025 Rules to the building in question, as decided by the learned Single Judge, was the subject matter of challenge in the intra court appeal.

On that basis, the High Court held that the revision petition required adjudication only after the rights of the Appellant to be considered under the 2025 Rules had been determined. The High Court also recorded the submission of the learned Advocate General that no demolition shall be carried out till the intra court appeal, i.e., LPA No. 760 of 2026 is finally decided. Thereafter, the High Court ordered

CR No. 2579 of 2026 to be listed along with LPA No. 760 of 2026.

3.13. On 24.03.2026, LPA No. 760 of 2026 and CR No. 2579 of 2026 were taken up together by the High Court. On that date, a request for adjournment was made on behalf of the Appellant. The High Court accepted the said request, though opposing submissions were advanced on behalf of the State, and adjourned both matters to 01.04.2026. The High Court also recorded the submission of the learned Advocate General, Punjab that the statement recorded in CR No. 2579 of 2026 in the order dated 18.03.2026 would operate only till the next date of hearing 01.04.2026, as he had specific instructions not to continue with such statement in relation to demolition of the property in question.

3.14. Meanwhile, the Appellant filed an interlocutory application, being I.A. No. 90210 of 2026, for directions before this Court placing on record the subsequent developments, including the dismissal of CWP No. 5839 of 2026, the filing of LPA No. 760 of 2026, the dismissal of the statutory appeal, and the later proceedings in CR No. 2579 of 2026. By the said application, the Appellant prayed that CWP No. 38742 of 2025 and LPA No. 760 of 2026 pending before the High Court be taken up together after disposal of the present matter and that the hearing of LPA No. 760 of 2026 be deferred to await the outcome of the present proceedings before this Court.

4. It is in the backdrop of this sequence of proceedings, namely the interim order dated 24.12.2025 in CWP No. 38742 of 2025, the rejection of the Appellant's request to avail the benefit of the 2025 Rules, the dismissal of CWP No. 5839 of 2026, the pendency of LPA No. 760 of 2026, the later proceedings in CR No. 2579 of 2026 arising out of the demolition order, the orders dated 17.03.2026, 18.03.2026 and 24.03.2026 passed by the High Court in the said matters, and the order dated 13.03.2026 passed by this Court, that the present appeals fall for consideration. On 01.04.2026 while reserving orders, this Court had passed the following order:

"We have heard learned senior counsel of the parties. Mr. Shadan Farasat, learned senior counsel appearing for the State of Punjab, has made a statement that no demolition will take place till this Court passes the orders. Orders reserved." List the matters on 08.04.2026 for delivery of orders."

5. We have heard Dr. A.M. Singhvi, learned senior counsel for the Appellant and Mr. Shadan Farasat, Mr. Gopal Shankarnarayanan and Mr. Balbir Singh, learned senior counsels for the Respondents.

6. Having perused the submissions advanced by the parties and the material on record, we are of the view that the controversy in the present appeals is limited, though the subsequent developments are relevant for moulding the relief. The present appeals arise from the order dated 26.02.2026, whereby the High Court declined the prayer of the Appellant to be impleaded in CWP No. 38742 of 2025 and also declined the prayer for clarification / modification of the interim order dated 24.12.2025.

The question that therefore falls for consideration is whether the High Court was justified in holding that the Appellant had no lis before it and was not entitled to be heard in the said proceedings, and, if not, what consequential directions ought to follow in relation to the Appellant's participation in CWP No. 38742 of 2025 and the further course to be adopted in respect of LPA No. 760 of 2026 and CR No. 2579 of 2026.

7. The principles governing impleadment are well settled. Though proceedings under Article 226 of the Constitution of India are not to be controlled by the technicalities of pleadings as in an ordinary civil suit, the principles underlying Order I Rule 10 of the Code of Civil Procedure, 1908 continue to furnish sound guidance. In *Mumbai International Airport Private Limited v. Regency Convention Centre and Hotels Private Limited*⁴, this Court explained the distinction between a necessary party and a proper party.

A necessary party is one without whom no effective order can be passed. A proper party is one whose presence enables the Court to completely, effectively and adequately adjudicate upon the questions involved. In writ proceedings, where the Court is called upon to interpret the scope and operation of an interim order already passed by it, a person who is shown to be directly and demonstrably affected by that order cannot be shut out merely because such person was not an original party to the principal challenge.

8. Tested on the aforesaid principles, we are unable to sustain the view taken by the High Court that the Appellant had no lis before it. The record before us shows that the interim order dated 24.12.2025 in CWP No. 38742 of 2025 did not remain confined to an abstract challenge to the 2025 Rules. The said order was in fact relied upon by the municipal authorities while dealing with the case of the

Appellant. The representations and revised plans submitted by the Appellant for availing the benefit of the 2025 Rules came to be rejected on the footing that the provisions of the 2025 Rules stood kept in abeyance by the order dated 24.12.2025.

The learned Single Judge, while dismissing CWP No. 5839 of 2026 on 16.03.2026, also proceeded on the same basis and expressly held that, since the operation of the 2025 Rules had been kept in abeyance by the Division Bench in CWP No. 38742 of 2025, there was no occasion to consider the revised building plan dated 13.02.2026 submitted by the Appellant in accordance with the 2025 Rules. The subsequent proceedings therefore place the matter beyond doubt that the order dated 24.12.2025 had direct and immediate consequences for the Appellant.

9. Once that position emerges from the record, the conclusion that the Appellant had no lis before the High Court cannot be accepted. The Appellant may not have been an original party to the broader challenge laid in CWP No. 38742 of 2025. It may also be that no final determination on the merits of the 2025 Rules was called for at the instance of the Appellant in those proceedings. Yet, when the Appellant demonstrated that the interim order passed in the said writ petition was being invoked to its detriment and was materially affecting the treatment of its property by the authorities, the Appellant could not be regarded as a stranger to the controversy.

At the very least, the Appellant was a proper party whose presence would enable the High Court to deal in a fuller and fairer manner with the consequences of its own interim order. It is also of some significance that the High Court had earlier permitted impleadment of another party in the same writ petition. That circumstance shows that the proceedings were not viewed by the High Court itself as impervious to the participation of persons other than the original parties, where the facts so warranted.

10. We are equally of the view that the manner in which the prayer for clarification/modification was rejected cannot be sustained. Once the High Court was shown that its interim order dated 24.12.2025 was being employed by the authorities in relation to the Appellant's building, the request could not have been disposed of merely by observing that the Appellant was free to pursue another remedy. The grievance of the Appellant was not detached from the writ proceedings.

It arose precisely from the operation attributed by the authorities and by the learned Single Judge to the order dated 24.12.2025 passed in CWP No. 38742 of 2025. Whether the Appellant was ultimately entitled to the benefit of the 2025 Rules was, no doubt, a matter requiring adjudication in appropriate proceedings. But the High Court could not, while declining impleadment, altogether deny to the Appellant an opportunity of being heard in the very proceedings from which the prejudice was asserted to arise.

11. At the same time, we do not consider it either necessary or appropriate in the present appeals to ourselves pronounce upon the exact ambit of the interim order dated 24.12.2025 or upon the applicability of the 2025 Rules to the Appellant's building. Any such pronouncement would travel beyond the contours of the present appeals and trench upon issues which arise in the parent writ proceedings as well as in the independent proceedings instituted by the Appellant. The proper course, in our view, is to set right the procedural exclusion occasioned to the Appellant and to leave all substantive questions open for consideration by the High Court in the proceedings where they properly arise.

12. This brings us to the subsequent developments, particularly LPA No. 760 of 2026 and CR No. 2579 of 2026. The order dated 16.03.2026 passed in CWP No. 5839 of 2026 makes it clear that the learned Single Judge declined relief to the Appellant on the ground that the operation of the 2025 Rules had already been kept in abeyance by the Division Bench order dated 24.12.2025 passed in CWP No. 38742 of 2025.

The orders dated 18.03.2026 and 24.03.2026 further show that the question regarding the Appellant's right to be considered under the 2025 Rules, the maintainability of its claim to be heard in the writ proceedings, the challenge pending in LPA No. 760 of 2026, and the revision proceedings arising from the demolition action were all being treated as closely interlinked. It cannot therefore be denied that there is a clear and substantial overlap between the present appeals, the proceedings in CWP No. 38742 of 2025, LPA No. 760 of 2026, and CR No. 2579 of 2026.

13. At the same time, overlap is not the same thing as identity. The present appeals arise out of the order dated 26.02.2026 refusing impleadment and refusing clarification/modification in CWP No.

38742 of 2025. LPA No. 760 of 2026 arises out of the dismissal of CWP No. 5839 of 2026, which was an independent writ petition instituted by the Appellant against the rejection of its representation and revised plans. CR No. 2579 of 2026, in turn, arises out of the dismissal of the statutory appeal under Section 269 of the 1976 Act.

Both the intra court appeal and the civil revision are thus separate proceedings arising from distinct causes, even though each is affected, in part, by the effect attributed to the order dated 24.12.2025. The mere circumstance that one proceeding may furnish part of the legal backdrop of another does not, by itself, require that the latter proceedings be kept in abeyance until the former attains finality. Unless there is a statutory interdict, or unless the nature of the controversy is such that the later proceeding cannot at all be meaningfully adjudicated without first deciding the former, the Court must be slow to render otherwise maintainable remedies dormant for an indefinite period.

14. We find no such compelling reason in the present case to direct that LPA No. 760 of 2026 and CR No. 2579 of 2026 should remain suspended until the final disposal of the broader challenge in CWP No. 38742 of 2025. The High Court, while hearing the said proceedings, would remain fully competent to examine the correctness of the orders under challenge therein in the light of the pleadings before it, the rejection orders and demolition proceedings impugned therein, the effect of the order dated 24.12.2025, and any other contention available to the parties in law. The fact that the High Court itself has been taking up the said matters together also indicates that their joint hearing would conduce to orderly and effective adjudication.

We may also note that one of the principal submissions urged before us on behalf of the Learned Senior Counsel Mr. Shadan Farasat for the Respondents was that, even assuming the 2025 Rules were to apply, and the challenge to the same would fail, the Appellant would still not be entitled to succeed since, according to the Respondents, the building of the Appellant does not conform even to that regime. We express no opinion whatsoever on the correctness of that submission.

However, the very nature of that submission shows that the Respondents themselves do not place the matter on the footing that the fate of CWP No. 38742 of 2025 is inseparably dependent upon the outcome of LPA No. 760 of 2026 or CR No. 2579 of 2026. In other words, the pendency of the parent writ does not denude the High Court of jurisdiction to take up and decide LPA No. 760 of 2026 and CR No. 2579 of 2026. Nor does it follow that such adjudication would necessarily prejudice the determination in the parent writ, so long as the limits of each proceeding are kept in view.

15. There is another aspect of the matter. To require the Appellant to wait for the final decision in CWP No. 38742 of 2025 before LPA No. 760 of 2026 and CR No. 2579 of 2026 can even be heard would, in effect, postpone adjudication of the Appellant's independent remedies to an uncertain stage. That course would not be justified on the facts before us. The orders under challenge in those proceedings have immediate civil consequences for the Appellant because they concern, on the one hand, the refusal to consider the Appellant's case under the 2025 Rules and, on the other hand, the legality and continuance of the demolition action.

If such proceedings are kept pending merely because a broader challenge to the 2025 Rules is also pending, the result may well be to make the available remedies illusory in practical terms. Courts must ordinarily lean in favour of preserving, and not stultifying, a remedy otherwise available in law, particularly where the controversy is still live and the consequences asserted by the party are continuing.

16. We are therefore of the view that the proper balance is to recognize the interconnection of the proceedings without collapsing them into one another. The Appellant cannot be denied participation in CWP No. 38742 of 2025 when the order passed therein has already produced demonstrable civil consequences for it. At the same time, it is neither necessary nor proper to hold that LPA No. 760 of 2026 and CR No. 2579 of 2026 must await the final adjudication of the entire challenge in the parent writ. Equally, there is no reason why CWP No. 38742 of 2025 itself should be held back merely because the Appellant has independently instituted the said proceedings.

The ends of justice would be met by permitting the Appellant to be impleaded in CWP No. 38742 of 2025, by permitting the High Court to proceed with CWP No. 38742 of 2025 independently of LPA No. 760 of 2026 and CR No. 2579 of 2026, by directing that the said matters be taken up together, and by directing that they be decided independently of CWP No. 38742 of 2025 on their own merits and in accordance with law, uninfluenced by the reasons contained in the impugned order dated 26.02.2026.

17. In view of the above, the appeals are allowed in the aforesaid terms.

18. The judgment and order dated 26.02.2026 passed by the High Court in C.M. No. 2967-CWP-2026 and C.M. No. 2968-CWP-2026 in CWP No. 38742 of 2025 is set aside. C.M. No. 2967-CWP-2026 filed by the Appellant for impleadment in CWP No. 38742 of 2025 shall stand allowed. The Appellant shall be impleaded as a party respondent in CWP No. 38742 of 2025. In view of the order passed herein there is no need to pass any specific order in C.M. No. 2968-CWP-2026. The same stands disposed off.

19. The High Court shall be at liberty to proceed with CWP No. 38742 of 2025 independently of LPA No. 760 of 2026 and CR No. 2579 of 2026.

20. LPA No. 760 of 2026 and CR No. 2579 of 2026 shall be heard together and disposed of by the High Court independently of CWP No. 38742 of 2025, on their own merits and in accordance with law.

21. The parties shall maintain status quo with respect to the property in question until the disposal of LPA No. 760 of 2026 and CR No. 2579 of 2026 by the High Court.

22. It is made clear that this Court has not expressed any opinion on the merits of the rival claims in CWP No. 38742 of 2025, LPA No. 760 of 2026, CR No. 2579 of 2026, or any other proceedings arising out of the demolition action or the applicability of the 2025 Rules to the building of the Appellant. All questions in that regard are kept open.

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

.....J. [Vikram Nath]

.....J. [Sandeep Mehta]

New Delhi;

April 08, 2026

1 High Court

2 2025 Rules

3 1976 Act

4 (2010) 7 SCC 417.

Source disclosure: Complete sanitized public judgment text retained for research; official-primary replacement remains pending.

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