

**BIRINDER SINGH MAHAL
VS
STATE OF PUNJAB AND OTHERS**

Present: Mr. Rubal Garg, Advocate
for the petitioner.

Mr. Raghav Goel, AAG, Punjab.

Mr. Maninder Singh Garcha, Senior Advocate with
Ms. Priyanka Dhillon, Advocate
for respondents No.2 and 3-GMADA.

Affidavit dated 11.09.2026 of the Chief Administrator, GMADA, in pursuance of the order dated 03.09.2026, has been filed in the Court today by learned counsel for respondents No.2 and 3-GMADA and the same is taken on record.

Mr. Maninder Singh Garcha, learned Senior Advocate appearing on behalf of respondents No.2 and 3-GMADA submitted that the condition which was imposed in the impugned order (Annexure P-9), whereby in the last paragraph the petitioner was asked to furnish an affidavit stating that he will not file any Court case or take any other action, has been withdrawn.

At this stage, learned counsel for the petitioner has pointed out that the aforesaid paragraph imposing such a condition is not an isolated case and that it does not pertain only to the present petitioner but such a condition is being imposed in every demand letter.

We therefore have no other option but to take a very serious view of the aforesaid submission made by the learned counsel for the petitioner, if it turns out to be correct. If an instrumentality of the State, particularly the Housing Department, puts a condition in a demand notice that the grievance of

the person concerned would be considered only if he furnishes an affidavit stating that he will not file any case before any Court or take any other action, the same is *prima facie* atrocious in nature, besides being unconstitutional and violative of the provisions of the Indian Contract Act.

We therefore deem it fit and proper to enlarge the scope of the present petition by exercising our powers under Article 226 of the Constitution of India.

The Chief Administrator, GMADA, is hereby directed to positively file his own affidavit within a period of one week from today, stating as to in how many demand notices issued during the last five years such a condition has been imposed upon the people of India.

Adjourned to 22.09.2026.

To be taken up at **10:00 A.M.**

(JASGURPREET SINGH PURI)
JUDGE

(PRAVINDRA SINGH CHAUHAN)
JUDGE

14.09.2026
Chetan Thakur