

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CWP No.11881 of 2015

Date of Decision:-29.05.2015

Fantasy Buildwell Pvt. Ltd. & Anr.

.....Petitioners.

Versus

State of Haryana & Ors.

.....Respondents.

CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH

Present:- Mr. Satya Pal Jain, Senior Advocate assisted by
Mr. Dheeraj Jain, Advocate &
Mr. Vijay K. Chaudhary, Advocate for the Petitioners.

JASWANT SINGH, J.(ORAL)

The two petitioner companies have been proceeded against under Section 408-A (1&2) of the Haryana Municipal Corporation Act, 1994 by the Municipal Corporation, Gurgaon for restoration/demolition of illegal encroachment made over 11 Kanals and 10 marlas of land recorded as *Gair Mumkin Nala* (vesting with the Municipal Corporation, Gurgaon).

It is submitted that the construction of 43 storey building has been initiated after proper demarcation and no objection by the Municipal Corporation and other concerned authorities. It is further averred that against the order of demolition dated 18.05.2015 (P-3) an appeal along with the application for stay has been filed before the Commissioner, and the same is listed for hearing on 1.06.2015.

The only prayer at this stage is for directing the Appellate

Authority to decide the said application one way or the other by passing a speaking order so as to enable the petitioners to seek their proper remedy in accordance with law.

Notice of motion to respondent nos.3 & 4 only at this stage.

At the asking of the Bench Mr. Dinesh Arora, Advocate accepts notice on behalf of the Municipal Corporation.

After hearing learned Counsel for the parties, the present petition is disposed of with direction to the Commissioner, Municipal Corporation Gurgaon to decide the said application for stay filed along with the appeal against the order dated 18.05.2015 (**P-3**) prior to permitting the initiation of any further action.

Disposed of in the above terms.

(JASWANT SINGH)
JUDGE

May 29, 2015
Vinay