

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP No.14761 of 2015 (O&M)
Date of decision:15.10.2015

District Town Planner, Jhajjar

... Petitioner

vs.

Vivek Gaur & another

... Respondents

CORAM: HON'BLE MR. JUSTICE S.J. VAZIFDAR, ACTING CHIEF JUSTICE
HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA.

Present: Mr. Rahul Dev Singh, DAG, Haryana.
Mr. Gaurav Gaur, Advocate for respondent No.1.

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S.J. VAZIFDAR, ACTING CHIEF JUSTICE.

The petitioner has challenged an order passed by the Chairman of the Tribunal under the Punjab Scheduled Roads and Controlled Area Restriction of Unregulated Development Act, 1963 setting aside the order passed by the District Town Planner, Jhajjar exercising the power of the Director, Town and Country Planning, Haryana (hereinafter to be referred to as “the DTCP”) and directing him to consider the respondent's case, if filed within two months.

2. We see no reason to interfere with the order which merely affords the respondents an opportunity of having their case heard on merits. The DTCP have by a notice dated 08.04.2013 called upon the respondents to show cause as to why the order be not passed to restore the building/land. It was alleged that the respondents have erected the building upon land at Village Rohad and had extended the excavation at the controlled area, and had laid down the means of access. It is further alleged that the respondents had not applied for regularization of the unauthorized building falling within the restricted belt. The petitioner alleges that this show cause notice was not served upon him. As the petitioner did not appear before the

authority, the DTCP passed the second order. The order records that the petitioner did not appear before the authority and had not complied with the requisitions in the show cause notice. The respondents had impugned the said show cause notice dated 01.04.2013 and the order dated 08.04.2013 passed pursuant thereto before the Tribunal. The learned Chairman in a detailed order came to the conclusion that the petitioner has failed to comply with the provisions of law inter alia by not issuing the appropriate show cause notice and not passing a reasoned order. He also found that the show cause notice had not been dispatched. In this regard, the respondents had relied upon the statement of the District Town Planner that the respondents had been served by ordinary post and there was no order of any officer for pasting the show cause notice on the site.

3. There is no reason to interfere with the order. The Tribunal has taken into consideration the relevant facts.

4. The writ petition is accordingly dismissed.

The DTCP shall consider the petitioner's application for regularization and the reply to the show cause notice. The petitioner shall also file a reply to the show cause notice dated 01.04.2013 by 15.11.2015. After the regularization application is decided the show cause notice also be considered.

(S.J. VAZIFDAR)
ACTING CHIEF JUSTICE

(TEJINDER SINGH DHINDSA)
JUDGE

15.10.2015
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