

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

CWP-18182-2015

Date of decision:- 31.08.2015

Prem Chand Mittal

...Petitioner

Versus

State of Haryana and others

...Respondents

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

Present: Mr. Pavan Malik, Advocate,
for the petitioner.

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S.J. VAZIFDAR, A.C.J. (ORAL)

Notice of motion.

Service is waived, as Mr. Lokesh Sinhal, learned Additional Advocate General, Haryana accepts notice on behalf of the respondents.

The petitioner seeks an order directing the respondents to adopt due process of law including by affording him an opportunity of being heard before the passing of the order.

2. A show cause notice dated 25.05.2015 was served upon the petitioner calling upon him to show cause as to why the property ought not to be restored to its original state or to bring it in conformity with the provisions of the Punjab Scheduled Roads & Controlled Areas Restriction of Unregulated Development Act, 1963 and the Rules framed thereunder. The petitioner replied to the show cause notice by a letter dated 16.06.2015.

3. The petitioner's grievance is that no order has been passed in the matter. He states that in any event he is not aware of any order having been passed and that he had never been afforded an opportunity of personal hearing.

4. Understandably, the learned counsel appearing on behalf of the respondents was unable to say whether the order had been passed or not. It is unnecessary, however, to keep this petition pending.

5. In the event of an order having already been passed, the respondents shall maintain status quo in respect of the property which is the subject matter of the show cause notice till the expiry of 90 days from the date of the service of the order upon the petitioner. It is clarified that if an order has been passed and even if it is the respondents' case that the same had been served upon the petitioner, another copy thereof shall be served upon the petitioner and the period of 90 days shall commence thereafter. In the event of the order not having been passed, the question of the respondents taking any action in respect of the allegedly offending structure does not arise in any event till the order is passed and if adverse to the petitioner, for a period of 90 days thereafter.

6. The writ petition is accordingly disposed of.

7. Needless to add that in the event of the petitioner being aggrieved by any order(s), he is at liberty to adopt appropriate proceedings.

(S.J. VAZIFDAR)
ACTING CHIEF JUSTICE

(TEJINDER SINGH DHINDSA)
JUDGE

31.08.2015

Amodh