

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

CWP-19345-2015

Date of decision:- 14.09.2015

Makka Masjid

...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. Sanjiv Gupta, Advocate,
for the petitioner.

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

Notice of motion.

Service is waived, as Mr. Rahul Dev Singh, learned Deputy Advocate General, Haryana accepts notice on behalf of the respondents.

It is not necessary to interfere with the show cause notice issued by the respondents at this stage. The impugned notice dated 01.09.2015, inter alia, alleges that the petitioner has contravened the provisions of the Punjab New Capital (Periphery) Control Act, 1952, as amended by the Haryana Act, 1971 (in short the Act). The petitioner has been called upon to show cause as to why it should not be ordered to restore the land in respect of which the alleged contraventions have been committed to its original state.

2. The petitioner has responded to the show cause notice by its reply dated 08.09.2015. The reply, inter alia, raises preliminary objections as to the jurisdiction of the respondents to take the impugned action. It is contended for instance that in view of the subsequent enactments, the respondents are not entitled to exercise powers under the said Act. This is

also an issue that the respondents must decide while considering the reply to the show cause notice.

3. Learned counsel appearing on behalf of the petitioner states that the authorities, however, do not have the power to issue interim orders and that if interim orders are not granted the petitioner's rights would be affected irreversibly.

4. In these circumstances, the petition is disposed of by directing the respondents to decide the matter within 12 weeks from today. Needless to add that all the rights and contentions of the parties are kept open.

Pending the decision of the respondents and for a period of 04 weeks thereafter, the parties including the petitioner shall maintain status quo in respect of the construction.

(S.J. VAZIFDAR)
ACTING CHIEF JUSTICE

(TEJINDER SINGH DHINDSA)
JUDGE

14.09.2015
Amodh