

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP No.3657 of 2015

Date of decision:27.08.2015

Iqbal Singh

... Petitioner

v.

Director, Urban Development, Haryana & others ... Respondents

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

Present: Mr. V.K. Suri, Advocate for the petitioner.

Mr. Rahul Dev Singh, Deputy Advocate General, Haryana.

Mr. Deepak Manchanda, Advocate for respondents No.2 & 3.

....

S.J. VAZIFDAR, ACTING CHIEF JUSTICE.

The petitioner is aggrieved by the order passed by the Joint Commissioner, Municipal Corporation, Ambala City returning the building plan submitted by him. The impugned order is passed on the basis that a portion of a public road falls within the property. The petitioner however relies upon the decree of the learned Civil Judge (Junior Division), Ambala City restraining the respondents from laying any road upon his property or from interfering with his property. The decree directs the respondents to construct the road upon khasra No.1280 old (new 25-26) in which the petitioner claims no right whatsoever. Prima facie, it appears therefore that the basis on which the plans were returned is incorrect.

The respondents further state that the decree was

challenged by filing a Civil Appeal. That appeal however was dismissed in default. An application for restoration has been made and is pending. The petitioner's plan shall be re-considered after the application for restoration is disposed of and obviously after considering the order pass therein.

Disposed of.

**(S.J. VAZIFDAR)
ACTING CHIEF JUSTICE**

**(TEJINDER SINGH DHINDSA)
JUDGE**

27.08.2015

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