

IN THE HIGH COURT FOR THE STATES OF PUNJAB
AND HARYANA AT CHANDIGARH.

LPA No. 519 of 2015. [O&M]

Date of Decision: 06th April, 2015.

Randhir Singh & Ors.

Appellants through

Mr. Vikram Singh, Advocate

Versus

State of Haryana & Ors.

Respondents.

CORAM:HON'BLE MR. JUSTICE SURYA KANT

HON'BLE MR. JUSTICE P.B.BAJANTHRI

- 1. Whether Reporters of local papers may be allowed to see the judgment?**
- 2. To be referred to the Reporters or not?**
- 3. Whether the judgment should be reported in the Digest?**

SURYA KANT, J. [ORAL]

The order dated 13th March, 2015 whereby learned Single Judge has dismissed the appellants' writ petition in *limine* is under challenge in this Letters Patent Appeal.

The genesis of the *lis* lies in an order dated 01st August, 2012 passed by this Court in PIL jurisdiction in **CWP No. 11673 of 2011 [Om Parkash Vs. State of Haryana & Ors.]** [P-4] whereby the Deputy Commissioner, Sonapat was directed to remove unauthorised constructions qua which there is no interim order passed by any Civil Court. As regard to the cases pending before the Civil Court, Municipal Council, Sonapat was directed to apprise that Court about the order of this Court so as to enable the Civil Court to pass appropriate orders.

A perusal of the above stated order further reveals that the controversy brought before this Court pertained to un-authorized construction of several shops in the open space which was actually meant for parking. The fact that 10 big shops and 16 small shops had been constructed un-authorizedly encroaching upon the land of Municipal Committee was candidly admitted by the District Administration in its reply filed in the above stated case.

It further appears that the appellants – being occupiers of illegally constructed shops were impleaded as party-respondents but no notice was issued to them. Be that as it may, some of them sought review of the said order but their applications were dismissed by this Court on 29.11.2013.

Thereafter, the District Administration started carrying out the demolition drive, prompting the appellants to approach this Court.

Learned Single Judge has dismissed the writ petition after taking notice of the directions issued by this Court vide order dated 01.08.2012 in PIL jurisdiction. As the facts would speak for themselves, the action has been taken by the Authorities under the directions of this Court. The appellants can not be heard to complain against non-compliance of the principles of natural justice or that no demolition could be carried out without following the prescribed procedure. It is not their case that they are occupying the shops other than those constructed illegally. Similarly, they do not claim that the Municipality had constructed those shops as per the sanctioned/ approved site plan.

Dismissed.

**(SURYA KANT)
JUDGE**

**April 06, 2015.
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**(P.B.BAJANTHRI)
JUDGE**