

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.10664 of 2016 (O&M)

Date of Decision: 26.05.2016

Swaran Singh

... Petitioner

VS.

State of Haryana & Ors.

... Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT

HON'BLE MR.JUSTICE A.B. CHAUDHARI

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?

Present: Mr. HS Dhillon, Advocate for the petitioner

SURYA KANT, J. (Oral)

(1) The Municipal Corporation, Ambala has served the petitioner with a show cause notice dated 17.05.2016 (P1) under Section 408-A of Haryana Municipal Corporation Act, 1994 asking him to remove the alleged illegal encroachment. The petitioner's case is that the subject land is owned by the Gram Panchayat of village Jandli and eviction proceedings under Section 7 of the Punjab Village Common Land (Regulations) Act, 1961 as applicable to the State of Haryana are pending at the instance of the Gram Panchayat. On this premise, it is contended that the impugned show cause notice is a premature exercise as unless the petitioner is held to be in illegal possession, no such action can be taken.

(2) We have heard learned counsel for the petitioner.

(3) Since at this stage only a show cause notice has been issued to which the reply is said to have submitted by the petitioner on 23.05.2016, we dispose of the writ petition with a direction to the Commissioner/Joint Commissioner, Municipal Corporation, Ambala to consider that reply keeping in view the fact that the eviction proceedings at the instance of the

Gram Panchayat are still pending. Till such decision is taken, the Corporation is directed to maintain *status quo re*: possession. It is further directed that in case the petitioner's reply is found unsatisfactory, the Corporation shall maintain *status quo re*: possession for a period of one month from the date of passing of the reasoned order so as to enable the petitioner to file appeal and/or avail other remedy in accordance with law.

(4) The petitioner may supplement his reply to the show cause notice along with copy of this order.

(5) Disposed of.

(Surya Kant)
Judge

26.05.2016
vishal shonkar

(A.B. Chaudhari)
Judge