

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No. 5579 of 2011 (O&M)
Date of decision: 19.1.2016

Sushila Devi

.. Petitioner

v.

State of Punjab and another

.. Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BINDAL

**Present: Mr. Girish Agnihotri, Senior Advocate with
Mr. S. C. Jindal, Advocate for the petitioner.**

Mr. Nilesh Bhardwaj, Deputy Advocate General, Punjab.

Mr. G. S. Attariwala, Advocate for respondent No. 2.

...

Rajesh Bindal J.

The petitioner has approached this court impugning the notice dated 9.7.2010 issued under Section 172-A of the Punjab Municipal Act, 1911 alleging that the petitioner is unauthorised occupant on the land owned by Municipal Council, Mansa. Though reply to the notice was filed, but the present petition was filed in this court even before the Municipal Council passed any order thereon.

Learned counsel for the petitioner submitted that the petitioner would be satisfied in case the respondents pass a speaking order on the notice issued to the petitioner seeking demolition of the house after hearing the petitioner and in case the order is passed against the petitioner, 10 days' time be granted to the petitioner thereafter to avail of appropriate remedy before actual demolition is carried out.

Learned counsel for respondent No. 2 fairly submitted that the Municipal Council will pass a speaking order in pursuance to the notice issued to the petitioner after affording opportunity of hearing to her. Copy of the order so passed shall be supplied to the petitioner after the same is passed. In case the order is against the petitioner, actual demolition of the house will not be carried out for 10 days after service of copy of the order on the petitioner.

In view of the fair stand taken by learned counsel for the parties, the present petition is disposed of giving liberty to respondent No. 2 to pass a speaking order in pursuance to the notice issued to the petitioner after affording opportunity of personal hearing. If the order is passed against the petitioner, actual demolition will not be carried out for 10 days after service of copy thereof on the petitioner.

(Rajesh Bindal)
Judge

19.1.2016
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