

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No. 6005 of 2011 (O&M)
Date of decision: 19.1.2016

Amarjit Kaur and others

.. Petitioners

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 petitioners.

Mr. Nilesh Bhardwaj, Deputy Advocate General, Punjab.

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

...

Rajesh Bindal J.

The petitioners have approached this court impugning the notices dated 9.7.2010 issued under Section 172-A of the Punjab Municipal Act, 1911 alleging that the petitioners are unauthorised occupants on the land owned by Municipal Council, Mansa. Though replies to the notices were filed, but the present petition was filed in this court even before the Municipal Council passed any order thereon.

Learned counsel for the petitioners submitted that the petitioners would be satisfied in case the respondents pass a speaking order on the notices issued to the petitioners seeking demolition of the house after hearing the petitioners and in case the order is passed against the petitioners, 10 days' time be granted to the petitioners 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 notices issued to the petitioners after affording opportunity of hearing to them. Copy of the order so passed shall be supplied to the petitioners after the same is passed. In case the order is against the petitioners, actual demolition of the house will not be carried out for 10 days after service of copy of the order on the petitioners.

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 notices issued to the petitioners after affording opportunity of personal hearing. If the order is passed against the petitioners, actual demolition will not be carried out for 10 days after service of copy thereof on the petitioners.

(Rajesh Bindal)
Judge

19.1.2016
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