

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

106

**Civil Writ Petition No.19122 of 2016
Date of decision: September 16, 2016**

Deepak

....Petitioner

versus

State of Haryana and others

...Respondents

***CORAM: HON'BLE MR. JUSTICE AJAY KUMAR MITTAL
HON'BLE MR. JUSTICE HARI PAL VERMA***

Present: Mr. Sanjeev Kodan, Advocate for the petitioner.

AJAY KUMAR MITTAL, J. (Oral)

1. This order shall dispose of a bunch of six writ petitions bearing Civil Writ Petition Nos.19122, 19138, 19147, 19163, 19200 and 19201 of 2016 as learned counsel for the petitioner state that the issue involved therein is identical. For brevity, the facts are being extracted from Civil Writ Petition No.19122 of 2016.

2. In the instant writ petition filed under Articles 226/227 of the Constitution of India, the petitioner has prayed for issuance of a writ in the nature of certiorari for quashing the notices dated 27.04.2016 and 05.05.2016 (Annexures P-6 & P-7 respectively) and a consequence thereof, order dated 11.08.2016 (Annexure P-11).

3. A perusal of the order dated 11.08.2016 (Annexure P-11) shows that it has been passed under Sections 18(1) and 18(2) of the Haryana Urban Development Authority Act, 1977 (in short 'the Act').

4. Section 20 of the Act provides that any person aggrieved by an order of the Collector under Sections 18 or 19 may, within a period of thirty days from the date of the service of notice, prefer an appeal to the Director, or such other authority. It reads thus:-

20(1) Any person aggrieved by an order of the Collector under Section 18 or Section 19 may, within a period of thirty days from the date of the service of notice under Section 18 or section 19, as the case may be, prefer an appeal to the Director, or such other authority, as the State Government may appoint in this behalf:

Provided that the appellate authority may entertain the appeal after the expiry of the said period of thirty days, if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

(2) Where an appeal is preferred under sub-section(1), the appellate authority may stay the enforcement of the order of the Collector for such period and on such conditions, as it deems fit.

(3) Every appeal under this section shall be disposed of by the appellate authority as expeditiously as possible.'

5. In view of the above, while disposing of the writ petitions, we relegate the petitioners to the alternate remedy of appeal as certain questions of facts are to be decided by the appellate authority in accordance with law.

(AJAY KUMAR MITTAL)
JUDGE

(HARI PAL VERMA)
JUDGE

September 16, 2016
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Whether speaking/reasoned?

Yes/No

Whether reportable?

Yes/No