

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Civil Writ Petition No.2083 of 2016 (O&M)
DATE OF DECISION: 02.02.2016

Mahima Chowdary

....Petitioner

versus

State of Haryana and others

.....Respondents

CORAM:- HON'BLE MR.JUSTICE S.J. VAZIFDAR, ACTING CHIEF JUSTICE
HON'BLE MR. JUSTICE ARUN PALLI

Present: Mr. Karan Garg, Advocate for the petitioner

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S.J. VAZIFDAR, ACTING CHIEF JUSTICE (Oral):

Notice of motion returnable forthwith.

2. Service waived qua all the respondents, Mr. Rahul Dev Singh, DAG, Haryana, having accepted notice on their behalf.

3. The petitioner is aggrieved by the alleged illegal construction work being carried out by respondent No.4-private respondent. The petitioner alleges that the work is being carried out without permission and affects her adjoining house, namely a residential accommodation. The petitioner has relied upon photographs as well as a report of her Architect. The petitioner is aggrieved by the fact that the official respondents have not even looked into her grievance contained in representations dated 16.01.2016, 21.01.2016 and 25.01.2016, Annexures P/3, P/4 and P/5, respectively.

4. The petitioner states that her house is on the verge of collapse. She, therefore, makes an application for stay of further construction. Notice of this application has not been given to the

private respondent. No complaint was even made in writing to the private respondent. According to the petitioner, the work started in October, 2015. It is surprising that despite the same the petitioner waited from October, 2015 to approach this Court.

If there is any imminent danger, the official respondents shall take necessary action and issue necessary directions to the private respondent and even to the petitioner in order to ensure the safety and protection of the petitioner and the private respondent and their structures and the inhabitants/occupants thereof and visitors thereto. The petitioner can and ought to in fact vacate the structure temporarily if what she alleges is true for this purpose.

5. Be that as it may, the official respondents are directed to take action immediately if it is so required. Considering the report of the Architect, it is essential that the official respondents forthwith visit the site and take action in accordance with law. Needless to add that the same shall be done only after giving such notice as may be necessary to the parties concerned. The petitioner shall attend the office of respondent No.2 i.e. the District Town Planner (Enforcement), Gurgaon, and shall, if so directed by respondent No.2, accompany him to the site.

6. The petition is accordingly disposed of.

7. Copy dasti under signatures of the Bench Secretary.

(S.J. VAZIFDAR)
ACTING CHIEF JUSTICE

02.02.2016
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(ARUN PALLI)
JUDGE