

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

**CWP No.11297 of 2017
Date of Decision.23.05.2017**

M/s Dream Land and othersPetitioners

Vs

State of Punjab and othersRespondents

Present: Mr. R.S. Bajaj, Advocate
for the petitioners.

CORAM:HON'BLE MR. JUSTICE AMIT RAWAL

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AMIT RAWAL J.(ORAL)

The petitioners, 12 in number, have approached this Court seeking quashing of the order (Annexure P-1) issued by the Municipal Corporation, Jalandhar under Section 246-A of the Punjab Municipal Corporation Act, 1976 on the premise that the Municipal Corporation without associating the petitioners, issued notices of removal of encroachment and now threatening to demolish without supplying the report of the survey conducted by the field staff.

Mr. Bajaj, learned counsel appearing on behalf of the petitioner submits that, to the notices under Section 246-A, petitioners have submitted their replies/joint representation. In paragraph 8 of the same, it has been categorically mentioned that demolition of the *tharas* have already been carried out and any action of the demolition, alleging construction of the shop against the sanctioned plan or beyond the permissible area, cannot be done without associating petitioners, much less, giving any opportunity of hearing. The aforementioned threat is looming large and goes on, without supplying the report.

Mr. Ashok Bazaz, Advocate, who is on the panel of local bodies, present in Court, on direction of this Court accepts notice on behalf of Municipal Corporation, Jalandhar.

Mr. Bazaz submits that the grievance of the petitioners can be redressed by affording an opportunity to approach and put across their grievance as indicated in the representation and follow the proper procedure for taking any action regarding demolition, if any, is required to be taken.

In view of the aforementioned aspect, I dispose of the writ petition with a direction to the Municipal Corporation to afford an opportunity to the petitioner, particularly, when alleged illegal construction of *tharas* had already been removed but the threat of demolition of shop, according to the averments in the writ petition and representation, is writ large and before such drastic step is taken, the petitioners be given an opportunity so that they are able to put across their defence.

Let this exercise be done by affording effective opportunity and thereafter, the Municipal Corporation, if need be, shall be at liberty to pass appropriate orders, in accordance with law.

The writ petition stands disposed of in the aforementioned terms.

(AMIT RAWAL)
JUDGE

May 23, 2017
Pankaj*

Whether speaking/reasoned Yes

Whether reportable No