

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

CWP No. 1390 of 2017  
Date of decision:-24.10.2017

Smt. Chander Kala

.. Petitioner

vs.

Chief Administrator, HUDA, Panchkula and ors.

.. Respondents

**Coram:**     **HON'BLE MR.JUSTICE S.J.VAZIFDAR,CHIEF JUSTICE  
HON'BLE MR.JUSTICE HARINDER SINGH SIDHU**

**Present:-**     Mr. Madan Pal, Advocate  
for the petitioner.

Mr. Deepak Balyan, Advocate  
for HUDA.

Mr. A.K. Kansal, Advocate  
for respondent No.4.

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**S.J. VAZIFDAR, CHIEF JUSTICE (ORAL)**

The petitioner's grievance is that the respondents have not taken any action against the private respondent despite an order dated 05.07.2016 (Annexure P-6) issued by the Estate Officer, HUDA, Jind to the private respondent to dismantle the encroachment by her.

2.           The private respondent had filed a civil suit challenging a show cause notice dated 10.12.2009. The petitioner had filed a counter claim seeking a direction to the private respondent for removal of the alleged encroachment. The suit was dismissed for want of jurisdiction. The counter claim, however, for removal of the encroachment was dismissed on merits by an order dated 30.04.2016. The petitioner has not challenged the order dated 30.04.2016. It appears that thereafter the petitioner approached the official respondents seeking an order directing the private respondent to remove the encroachment. It is pursuant to this application that the Estate Officer passed an order dated 5.7.2016. It seems that it has been passed on

the petitioner's application submitted in an open darbar held on 25.06.2016. The show cause notice which was challenged in the suit has not been proceeded with.

3. In view of the above facts, we are not inclined to direct the official respondents to remove the encroachment pursuant to the order dated 05.07.2016. If the official respondents wish to demolish any portion on the ground that the private respondent allegedly encroached upon any area, they shall do so in accordance with law. The only relief that we are inclined to grant the petitioner is that the official respondents shall permit the petitioner to be heard pursuant to the proceedings relating to the show cause notice of the year 2009 or any fresh show cause notice.

4. The petition is accordingly disposed of.

**(S.J. VAZIFDAR)**  
**CHIEF JUSTICE**

**(HARINDER SINGH SIDHU)**  
**JUDGE**

24.10.2017  
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| Whether speaking/reasoned | Yes/No |
| Whether Reportable:       | Yes/No |