

Sr.No.148

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

**CWP No. 14017 of 2017
Date of decision:03.07.2017**

Shir Niwas

.....Petitioner

versus

State of Haryana and others

.....Respondents

Coram: Hon'ble Mr.Justice Rakesh Kumar Jain

Present: Mr. Mohammad Arshad, Advocate
for the petitioner.

Rakesh Kumar Jain, J.(Oral)

The petitioner has prayed for a writ in the nature of certiorari to quash the demolition order dated 16.06.2017 passed by the Municipal Corporation Gurugram under Section 261(1) of the Haryana Municipal Corporation Act, 1994(for short, 'the Act').

Section 261 of the Act empowers the Commissioner of the Corporation to pass the order of demolition and stoppage of building and works in certain cases. Section 261(2) further provides that if any person is aggrieved by an order of the Commissioner made under sub-section(1) then he may prefer an appeal against the order to the court of the District Judge of the Municipal area within the period specified in the order for the demolition of the erection of work to which it relates.

In this case, the petitioner has been unfair with this Court by making averment in the petition to the fact that “*the petitioner has left with no efficacious and alternative remedy, appeal or revision which is equally speedy and efficacious except to approach this Hon'ble Court by filing the present writ petition under Article 226 of the Constitution of India*”.

Petitioner filed the petition knowing that the order passed under Section 261(1) of the Act is appealable under Section 261(2) of the Act. The petitioner is a guilty of *suppressio veri suggestio falsi* and in such a case, not only the writ petition has to be dismissed on this ground alone but the petitioner is required to be saddled with cost.

Accordingly, the present writ petition is hereby dismissed with cost of ₹ 5000/- which shall be deposited by the petitioner with the Legal Services Authority, Gurugram within a period of one month from the date of passing of this order.

3rd July, 2017

Shivani Kaushik

**[Rakesh Kumar Jain]
Judge**

Whether speaking/reasoned

Yes

Whether Reportable

Yes/No