

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Civil Writ Petition No.215 of 2017

Date of Decision: January 11, 2017

M/s New Zilmil Dhaba

.....Petitioner

versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT.

HON'BLE MR.JUSTICE SUDIP AHLUWALIA.

Present: Mr.Sanjay Verma, Advocate, for the petitioner.

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Surya Kant, J. (Oral)

The petitioner-proprietor-firm has constructed a road-side Dhaba (restaurant) on the 'Scheduled Road' duly notified under the Punjab Scheduled Roads and Controlled Area (Restriction of Unregulated Development) Act, 1963, as applicable to the State of Haryana. The Dhaba has been raised at 144.960 KM stone on National Highway No.1 in the area of Nilokheri-Taraori. The petitioner was served with a notice for violation of Section 3 of the 1963 Act and it was directed to remove the unauthorized construction.

It is undeniable that no construction within 60 meter of the scheduled road is permissible, whereas the petitioner has raised construction within 30 meter.

The petitioner filed statutory appeal which has also been dismissed by the Tribunal headed by a former Judge of this Court. Still aggrieved, the petitioner has approached this Court.

It further appears that the petitioner has meanwhile applied for Change of Land Use permission and for compounding of unauthorized construction. A copy of the application moved to the District Town Planner, Karnal has been appended as Annexure P-5.

While we do not grant any protection to continue with the unauthorized construction, it appears expedient to direct the District Town Planner-cum-Prescribed Authority, Karnal to decide the above-mentioned application moved by the petitioner in accordance with law, as early as possible but not later than one month from the date of receiving a certified copy of this order.

Ordered accordingly.

Dasti.

[SURYA KANT]
JUDGE

January 11, 2017
mohinder

[SUDIP AHLUWALIA]
JUDGE

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