

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

**CWP-28231-2017 (O & M)
Date of decision: 12.12.2017**

Rajesh Kumar

....Petitioner(s)

V/s

State of Punjab and ors.

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Alisha Arora, Advocate, for the petitioner.

Rajan Gupta, J. (Oral)

Petitioner seeks a writ in the nature of certiorari for quashing notice dated 07.02.2017, Annexure P-10, vide which he has been asked to demolish part of his flour mill and expeller situated in Khasra No.1602 (1-4) Khewat No.3568, Khatuni No.4676 and order dated 07.12.2017 passed by respondent No.3 (Annexure P-15).

It has been urged before the court that while passing the order, the authority has not taken the entire factual issues into consideration. Regarding the various site plans, it has been submitted that there is no violation and ownership of the petitioner on the land is established.

I have heard learned counsel for the petitioner. It appears that pursuant to direction given in CWP-4606-2017, petitioner was given liberty to send reply to the show cause notice issued by the authority whereafter, it would pass a speaking order. A detailed speaking order has been passed and objections raised by the petitioner, have been considered. The authority seeks to demolish the unauthorized construction for the purpose of four-laning of the road which has become part of National Highway. In view

unauthorized occupation/construction. Petitioner has not been able to show that there is any legal infirmity with the order. Only factual submissions have been made to establish ownership of the petitioner over the land and to show that there is no encroachment by the petitioner. These submissions being factual in nature cannot be adjudicated upon in writ jurisdiction. Even otherwise a perusal of the impugned order shows that the same has been passed after considering all aspects of the matter. The action is being taken for completing a particular stretch of National Highway.

Petition is, thus, without any merit and is hereby dismissed.

December 12, 2017
sukhpreet

(RAJAN GUPTA)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No