

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Civil Writ Petition No.5108 of 2017.

Date of Decision: March 14, 2017

Roshan Kamboj

.....Petitioner

versus

State of Haryana and others

.....Respondents

**CORAM: HON'BLE MR.JUSTICE SURYA KANT.
HON'BLE MR.JUSTICE SUDIP AHLUWALIA.**

Present: Mr.Virender Kumar, Advocate, for the petitioner.
Mr.Deepak Balyan, Additional AG, Haryana.

-. -

Surya Kant, J. (Oral)

Notice of motion to respondent Nos.1 to 6 only at this stage.

On our asking, Mr.Deepak Balyan, learned Additional Advocate General, Haryana, accepts notice on their behalf.

Let six copies of the writ petition be handed-over to him during the course of day.

In view of the nature of order which we propose to pass there is neither a necessity to seek counter reply from respondent Nos.1 to 6 nor respondent Nos.7 to 12 are required to be served at this stage as no order prejudicial to their interest is being passed.

[2] The petitioner's allegations are that private-respondent Nos.7 to 12 are carving out an unauthorized residential colony over the agricultural land comprising khewat No.1304, khatoni No.1121, khasra Nos.272, 273 & 274, situated in the revenue estate of Kasba Karnal. It is alleged that pursuant to the complaints made by the petitioner, some inspection was

carried out by the District Town Planner and even FIR under the provisions of the Haryana Development and Regulation of Urban Areas Act, 1975 was registered but police has submitted a cancellation report allegedly in collusion and connivance with the private-respondents. It is further averred that the District Town Planner, Karnal in his reply to the legal notice dated 01.02.2006 (P-3) has admitted the fact that he served show-cause notices on private-respondents on 11.01.2016 and 21.01.2016 but thereafter no further action has been taken though more than a year has passed. The petitioner has placed on record some photographs to suggest that unauthorized construction is still going on at the site.

[3] As per the averments made in the writ petition, the private-respondents are setting-up the residential colony without obtaining any licence under the Act and/or without obtaining any permission from the Prescribed Authority. Such an action, if any, would be *ex-facie* illegal for which it is imperative upon the District Administration, District Town Planner and the Police Authorities to take appropriate action in accordance with law.

[4] We thus dispose of this writ petition at this stage with a direction to the (i) Deputy Commissioner, Karnal; (ii) Senior Superintendent of Police, Karnal; (iii) Commissioner, Municipal Corporation, Karnal, and (iv) District Town Planner, Karnal, to take immediate action as may be required in law and ensure that no illegal or unauthorized colony is allowed to be set-up in violation of the provisions of law. Timely action in this regard shall be initiated within one week from the date of receiving a certified copy of this order and it shall be taken to logical conclusion within two months.

[5] If the petitioner finds that no appropriate action has been taken by the authorities despite directions issued, liberty is granted to him to approach this Court again at the costs of the official respondents.

[6] Ordered accordingly.

[7] Dasti.

[SURYA KANT]
JUDGE

March 14, 2017
mohinder

[SUDIP AHLUWALIA]
JUDGE

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