

CWP No.6699 of 2017

[1]

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

**CWP No.6699 of 2017
Date of decision:14.07.2017**

Surinder Ghai

...Petitioner

Versus

State of Haryana and others

...Respondents

Coram: Hon'ble Mr. Justice Rakesh Kumar Jain

Present: Mr. Deepanshu Matya, Advocate,
for the petitioner.

Rakesh Kumar Jain, J. (Oral)

This petition is filed for quashing the order dated 19.12.2016 passed by respondent no.2 and further to issue a writ in the nature of *mandamus*, directing the respondents to reconstruct the building demolished by them.

Counsel for the petitioner submits that the petitioner was in possession of the canteen premises of the Civil Hospital, Ambala City. He filed the civil suit for declaration to the effect that the notice dated 13.12.2016 issued by the Principal Medical Officer, Civil Hospital, Ambala City for vacation of the canteen being run by the petitioner in Apna Hospital/Civil Hospital, Ambala City was illegal. In the said civil suit, the petitioner has prayed for the relief of permanent injunction. The Civil Court granted status quo qua possession of the petitioner on 23.12.2016 and the case was fixed for 30.01.2016 for the injunction application.

Counsel for the petitioner further submits that before the injunction could have been granted, the demised premises was demolished by

the respondents on 21.12.2016 pursuant to the order passed by the District Magistrate, Ambala dated 19.12.2016. He has, thus, submitted that there is a violation of Section 408A of the Haryana Municipal Corporation Act, 1994 as per which the petitioner should have been given a show cause notice of 7 days and the order of vacation could have been passed thereafter. It is further submitted that the respondents cannot cause wrong to the petitioner by their administrative action(s).

It is also submitted by counsel for the petitioner that the suit filed by the petitioner for seeking declaration has been withdrawn but the date of withdrawal is not mentioned in this petition.

Be that as it may, after hearing learned counsel for the petitioner and examining the available record, I am of the considered opinion that since the petitioner has already been dispossessed by demolition of the property in question, therefore, the only remedy available with the petitioner is to approach the Civil Court for the purpose of redressal of his grievance.

Insofar as the present petition is concerned, it is not maintainable and is being dismissed as such.

July 14, 2017
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(Rakesh Kumar Jain)
Judge

Whether speaking / reasoned: Yes/No

Whether Reportable: Yes/No