

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

CWP No.8981 of 2017

Date of Decision.01.05.2017

Dr. Jaswant Singh and another

.....Petitioners

Vs

State of Punjab and others

.....Respondents

Present: Mr. R.S Ghuman, Advocate
for the petitioners.

CORAM:HON'BLE MR. JUSTICE AMIT RAWAL

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AMIT RAWAL J.(ORAL)

Learned counsel for the petitioners submits that the Municipal Committee vide resolution dated 14.09.2016 (Annexure P-8) had decided to compound the alleged construction raised beyond the sanctioned plan. However, the Executive Officer of the Municipal Committee at the back of the petitioners got the aforementioned order stayed and the proceedings of the aforementioned notice have never been received by the petitioners i.e under the caption "special comments" on 04.10.2016. Thereafter, on 26.10.2016 (Annexure P-9), a notice under Section 220 of the Punjab Municipal Act, 1911 for compliance of notice issued under Section 195 had been issued. Though against the decision taken under Section 195 of the Punjab Municipal Act, the remedy of appeal under Section 225 is maintainable and not in this Court but no copy of the notice has ever been supplied. Had it been done so, the petitioner was required to take the remedy aforementioned.

Be that as it may, the fact remains that the petitioner was served with the alleged notice dated 26.10.2016 only to demolish the illegal and unauthorized construction within six hours. It has also been brought to the

the suit filed in the absence of any resolution of the Municipal Committee against the petitioners seeking injunction. However, vide interim order dated 03.08.2016, injunction was granted against the petitioners, which ultimately in misc. appeal has been vacated vide order dated 14.02.2017 (Annexure P-6).

I am of the view that according to the averment made in the petition, the petitioners have not been served with any notice of the proceedings vide which the resolution of the Municipal Committee has been stayed. The petitioners shall be at liberty to contest the same in case they approach the Regional Deputy Director, in essence, the Regional Deputy Director shall afford an opportunity to the petitioners along with Municipal Committee to defend the resolution. The averment in paragraph 18 of the writ petition is regarding action taken by the petitioners from October 2016 till date that they had been running from pillar to post but the impugned notice has not been withdrawn. Probably the authorities at the helm of affairs have realized that the matter is sub judice before the Regional Deputy Director.

Mr. Ghuman during the course of hearing has also urged that parallel proceedings cannot be initiated. Be that as it may be. Without commenting upon the same, I dispose of the writ petition with liberty to the petitioners as indicated above. The petitioners shall be at liberty to seek vindication of their grievance in case any fresh notice under Section 220 of the Punjab Municipal Act is served upon them at any point of time.

(AMIT RAWAL)
JUDGE

May 01, 2017
Pankaj*

Whether speaking/reasoned	Yes
Whether reportable	No