

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

**L.P.A. No.516 of 2015 (O&M)
Decided on : 1.11.2017**

Municipal Corporation, Faridabad

... Appellant

Versus

Roop Singh and others

... Respondents

**CORAM : HON'BLE MR.JUSTICE MAHESH GROVER
HON'BLE MR.JUSTICE RAJ SHEKHAR ATTRI**

Present : Mr. Vinod S. Bhardwaj, Advocate,
for the appellant.

Mr. Rajender Chhokar, Advocate,
for respondent No.1.

Ms. Kirti Singh, DAG, Haryana.

MAHESH GROVER, J. (Oral)

The appellant is in appeal against the judgment of the learned Single Judge dated 5.2.2015. The writ petitioner had approached this Court with the grievance that he be granted compensation as the Corporation unauthorisedly demolished some portion of his house. It has been averred in the petition that ₹ 90,000/- has been demanded from the writ petitioner for change of land use but after receiving the illegal gratification, they demanded more and eventually when the demand was not satisfied, they demolished some portion of the house building.

While giving details of the property, the writ petitioner has

asserted that he is owner of building situated in Khasra No.47/4/1 and recorded as *Gair Mumkin Abadi* in village Ankhir. For wrongful act of the Corporation, an amount of ₹ 6 lac was demanded and granted by the learned Single Judge apart from other costs. The appellant denied demand of receipt of any illegal gratification and stated that the residential house of the writ petitioner is in tact and what was demolished was illegal construction at a road junction. They also denied that the house exists in Khasra No.47/4/1 (affected area).

Before us it has been pleaded that these would be highly disputed questions such as identity of the property, portion demolished and whether it was in accordance with sanctioned plan or any illegal gratification was demanded or received prior to the action of demolition.

Learned counsel for the respondent contends that the judgment of the learned Single Judge does not warrant for any interference.

After hearing learned counsel for the parties, we are of the opinion that the claim of the writ petitioner would certainly invite questions regarding identity of the property, portion demolished and whether it was in accordance with the sanctioned plants, which need to be determined on the basis of evidence. The writ Court ought not to have traveled into the domain of the disputed questions of fact.

Consequently, we set aside the impugned order but grant liberty to the respondent to establish his cause before the Court of competent jurisdiction by filing proper proceedings and leading

evidence therein. If that is done, question of limitation would not stand in his way.

Disposed of.

(MAHESH GROVER)
JUDGE

(RAJ SHEKHAR ATTRI)
JUDGE

November 1, 2017

Paritosh Kumar

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