

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

CWP No. 14394 of 2015 (O&M)

Date of Decision: 20.11.2018.

Karan Singh and others

... Petitioners

Versus

State of Haryana and others

... Respondents

CORAM : Hon'ble Mr. Justice Jitendra Chauhan

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

Mr. Kapil Bansal, DAG Haryana.

Mr. Rajesh Sheoran, Advocate,
for respondent No.2.

Mr. R.D. Bawa, Advocate,
for respondent No.8.

JITENDRA CHAUHAN.J.(ORAL)

Through the instant civil writ petition, the petitioners seek quashing of action of the Deputy Commissioner, Yamuna Nagar vide which mud/earth of more than Rs.10 lakh has been removed from the land of Charand.

During the course of arguments, to determine whether respondent No.8 had lifted the earth from the village, the Court proposed to send a Local Commissioner. However, the learned counsel for the petitioner has declined the suggestion made by the Court.

In the circumstances, the documents on record have to be relied upon. As per the order dated 19.05.2015 (Annexure P-4),

no earth as claimed by respondent No.8 is lying on the spot, therefore,

the question of removal of earth does not arise.

Mr. R.D. Bawa, Advocate states that the earth lifted from various places is lying on the spot, however, the same is negated by the report dated 19.05.2015 (Annexure P-4) prepared by the learned Deputy Commissioner, Yamuna Nagar which clearly suggests that no earth is lying on the spot. Respondent No.8 after the period of lease deed, on 04.09.2014 filed a civil suit and obtained injunction order. Under the injunction order, he operated upto 10.02.2015. In the circumstances, respondent No.8 is directed to pay the amount in terms of notice (Annexure P-4) and the costs of frivolous litigation imposed upon the Municipal Corporation by filing the civil suit which was subsequently withdrawn. The costs are quantified at Rs.50,000/-. The amount in pursuance to Annexure P-4 as well as Rs.50,000/- be paid within six weeks from today.

Disposed of.

20.11.2018.
SN

(JITENDRA CHAUHAN)
JUDGE

Whether speaking/reasoned :	Yes/No
Whether reportable :	Yes/No