

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

CWP No. 13692 of 2018

Date of Decision: 28.05.2018

ASHWANI TANWAR

... Petitioner

VS.

DISTRICT BAR ASSOCIATION, GURUGRAM AND ANOTHER

...Respondents

CORAM: HON'BLE MR. JUSTICE RAKESH KUMAR JAIN

Present: Mr. Abhimanyu Singh, Advocate,
for the petitioner .

RAKESH KUMAR JAIN, J. (Oral)

This petition is directed against the order dated 23.05.2018 passed by the Chairman, Building Committee, District Court, Gurugram by which the petitioner has been asked to remove the encroachment from his porta cabin.

In brief, the petitioner, who is a Member of the Bar Association, District Court Gurugram, has been allotted a temporary Porta Cabin No. 81 in the Saheed Sukhdev Singh Block, Lawyers Chambers, District Court, Gurugram. The said allotment was made on 12.04.2014. There were complaints against the petitioner that he has extended the Chamber by encroaching upon an area of 5" 6' X 8" 6' The said complaints were looked into by the Building Committee of the District Court, Gurugram, which comprises of the Chairman, who is the Additional District and Sessions Judge, Gurugram and other three members i.e. two Additional District and Sessions Judges and one Chief Judicial Magistrate, Gurugram.

After notice was served to the petitioner, he filed reply. Thereafter, the Building Committee itself had inspected the area and found

CWP No. 13692 of 2018

that the petitioner has recently constructed cemented portion by encroaching an area of 5" 6' X 8" 6'.

Learned counsel for the petitioner has very fairly contended that the petitioner has extended the area as found but it is submitted that the said encroached area was in his possession.

I have heard learned counsel for the petitioner and after taking into consideration the aforesaid facts and circumstances, am of the considered opinion that there is no merit in this petition because the petitioner was allotted a temporary porta cabin No. 81 and in case he wanted to extend the same, he should have sought permission either from the Building Committee or from the Bar Association, District Court, Gurugram, whosoever is the competent authority. But the petitioner did not obtain any permission and extended the area on his own by raising construction which has rightly been found by the Building Committee, Gurugram, and the petitioner has been directed to remove the said unauthorized construction.

In view of the above, I do not find any merit in the present petition and the same is hereby dismissed, though without any order as to costs.

May 28, 2018

Ess Kay

**[RAKESH KUMAR JAIN]
JUDGE****Whether speaking / reasoned :**

✓
Yes / No

Whether Reportable :

Yes / No