

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

**CWP No.14222 of 2018
Date of Decision: 30.05.2018**

Sanjay Passi

.....Petitioner

Vs.

Union of India and others

.....Respondents

**CORAM:- HON'BLE MR. JUSTICE MAHESH GROVER
HON'BLE MR. JUSTICE RAJBIR SEHRAWAT**

Present:- Mr. Sudhir K. Makkar, Senior Advocate with
Ms. Rupa Pathania, Advocate, Mr. Pratyush, Advocate,
Ms. Poonam, Advocate and Ms. Saumya Gupta,
Advocate for the petitioner.

MAHESH GROVER, J.(Oral)

The petitioner impugns notice Annexure P.1. We notice from its language that it is not a notice specific to the petitioner and is rather general in its sweep warranting that any construction raised within the area specified i.e. 300 meters from the crest of the outer parapet of Explosives Area of 54-ASP, Air Force Station, Gurugram is unauthorised and hence liable for demolition under the provisions of the Works of Defence Act, 1903 (for short, 'the Act'). It also states that in future if anyone fails to comply with the provisions of Section 7(b) of the Act to raise construction/structure upon the land without the written approval of the Commanding Officer of the 54-ASP, Air Force Station, Gurugram, they will be liable action under the Act.

Learned counsel for the petitioner contends that the petitioner has already responded to the notice by submitting detailed representation wherein he has raised the plea that he has not violated any of the provisions of the Act but he continues to remain under constant fear of demolition as

the representation has not been decided so far. It has also been urged before us that all the requisites prior to the issuance of notice under Section 9 have ordered to be complied with which would render this notice questionable.

We have heard learned counsel for the petitioner and are of the opinion that an intervention by this Court today is not essential for the reason that the petitioner has responded to the notice and is awaiting the response/ decision by the competent authority. We, therefore, direct respondent No.2 to look into the grievance of the petitioner as contained in the representation as also raised in this petition and take a comprehensive decision after granting an opportunity of hearing to the petitioner.

Needless to say, the issue of land and the procedure to be followed would also be looked into by the said authority while passing a speaking order. The needful be done as expeditiously as possible preferably within a period of four months from today.

In case, there is an order adverse to the petitioner, he would indeed be at liberty to approach this Court.

Disposed of.

(MAHESH GROVER)
JUDGE

May 30, 2018
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(RAJBIR SEHRAWAT)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No