

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

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**CIVIL WRIT PETITION NO.18757 OF 2018
DATE OF DECISION: JULY 31, 2018**

Anil Kumar and others

.....Petitioners

VERSUS

State of Haryana and others

....Respondents

CORAM:- HON'BLE MR.JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Raj Kapoor Malik, Advocate,
for the petitioners.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Petitioners have approached this court praying for quashing of notice dated 09.07.2018 (Annexure P-5) served upon the petitioners by the Municipal Committee, Kalayat, respondent No.5. Counsel contends that similar notices have been served upon all the petitioners wherein it has been stated that 7 days have been granted by the Municipal Committee to hand over the vacant possession to it and in case the same is not done, the illegal encroachment would be removed by the Municipal Committee and expenditure of the same will be recovered from the petitioners. This, counsel for the petitioners states, is despite the order of status quo having been passed by the Commissioner, Karnal, in an appeal preferred by the petitioners. The status quo order is still continuing and the next date of hearing before the Commissioner, Karnal, is 02.08.2018.

Be that as it may, since there is already a status quo order with regard to the property in question in favour of the petitioners and their appeal is pending before the Commissioner, Karnal, merely because a notice has been served upon them, such as the one dated 09.07.2018 (Annexure P-5), it would not be a separate cause of action to the petitioners. If the petitioners are aggrieved by the said notices served upon them, they should first approach the Commissioner, Karnal, with their grievance, where their statutory appeal is pending. In any case, this Court is sanguine that the Municipal Committee, Kalayat, would not even intend to violate the order passed by the Commissioner in appeal, which has been preferred by the petitioners and, therefore, the apprehension of the petitioners is misplaced.

The writ petition, therefore, stands disposed of with liberty to the petitioners to first approach the Commissioner, Karnal, with their grievance, if any.

July 31, 2018
khurmi

(AUGUSTINE GEORGE MASIH)
JUDGE

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