

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Civil Writ Petition No.21553 of 2018.

Date of Decision: August 28, 2018

Sarabati Devi and others

.....Petitioners

versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT.

HON'BLE MR.JUSTICE SUDIP AHLUWALIA.

Present: Mr.Sandeep Sharma, Advocate, for the petitioners.

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Surya Kant, J. (Oral)

The petitioners have constructed their residential houses in Saraswati Kunj, near Sector-53, Gurugram. It appears that neither the building plans were got sanctioned from Municipal Corporation nor from any other Government agency. The District Town Planner (Enforcement) has served the petitioners with show-cause notices as to why the unauthorized buildings be not demolished. The petitioners have given their reply-cum-legal notices. No final order has been passed as of now. Apprehending demolition of their houses, the instant writ petition has been filed.

In our considered view, the writ petition is pre-mature at this stage. No final order regarding demolition of the houses has been passed. It is obvious that the Competent Authority will consider the plea taken by the petitioners that the constructions are compoundable. In any case, the order to be passed by the District Town Planner (Enforcement) will be appealable before the State Government under Section 19 of the Haryana Development and Regulation of Urban Areas Act, 1975. The writ petition is thus

disposed of without expressing any views on merits, with a direction to the

District Town Planner (Enforcement), Gurugram to pass a speaking order in response to the reply submitted by the petitioners to the show cause notices and in case any adverse decision is taken, the houses will not be demolished for two weeks to enable the petitioners to approach the Appellate Forum.

[SURYA KANT]
JUDGE

August 28, 2018
mohinder

(SUDIP AHLUWALIA)
JUDGE

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