

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

212

Civil Writ Petition No.8 of 2017 (O&M)
Date of decision: May 08, 2018

Priyanka Madan

....Petitioner

versus

State of Haryana and others

....Respondents

CORAM: HON'BLE MR. JUSTICE AJAY KUMAR MITTAL, ACTING CHIEF JUSTICE
HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present: Mr. IPS Kohli, Advocate for the petitioner.

Mr. Deepak Balyan, Addl. A.G., Haryana.

Ms. Nupur Choudhary, Advocate for respondents No.2 & 3.

AJAY KUMAR MITTAL, A.C.J. (ORAL)

1. The petitioner has approached this Court under Articles 226/227 of the Constitution of India, *inter alia*, seeking quashing of order dated 29.09.2016 (**Annexure P-13**) passed by the Deputy Commissioner, Gurgaon vide which the working women hostel situated at Civil Lines, Gurugram, Haryana has been ordered to be demolished. Further prayer has also been made for quashing the order dated 14.01.2016 (**Annexure P-3**), whereby the working women hostel situated at Civil Lines, Gurugram was outsourced by respondent No.2 in favour of respondent No.4.

2. Notice of motion was issued and written statement dated 29.08.2017, of Sh. R.K. Mittal, Executive Engineer, Provincial Division No.1, PWDB&R Branch, Gurugram on behalf of respondent No.5 had been filed wherein in Para No.2(xii) of the reply on merits, it has been stated thus:-

'That in reply to sub para 2 (xii) of the writ petition, it is submitted that a spot inspection (Annexure P-9) was thoroughly carried out on dated 17.09.2015 by the Sub Divisional Engineer-in-charge and it was noticed that, structurally the building is safe for inhabitation but the conditions of the facia, ceiling plaster and

joinery is in very bad condition, but it can be set right after special repair.

Any delay will further damage condition of the building.

There is no need to construct a new building. It is further submitted that an estimate for special repair amounting to Rs.34.73 lacs was prepared by the answering respondent and submitted to the respondent No.2 through Engineer-in-Chief, Haryana PWD B&R Chandigarh for arranging administrative approval, but no action till date has been taken by the client department.

As a result of this, the condition of the building is deteriorating day by day. Due to increase in rates of material and labour, special repair cost will come more to approximately Rs.50.00 lacs at present.'

3. In the light of the aforesaid plea taken in the written statement, learned State counsel submitted that there is no proposal for demolition of the building and there is no need of fresh re-construction. Accordingly, Annexure P-13 which is impugned herein has become inoperative and the writ petition may be disposed of as having rendered infructuous.

4. Learned counsel for the petitioner submitted that since the demolition order has become inoperative, the issue regarding outsourcing as impugned in Annexure P-3 is not being pressed and the same may be kept open.

5. In view of the above, the writ petition is disposed of as having become infructuous. However, the issue regarding validity of Annexure P-3 is not being adjudicated as per the statement made by learned counsel for the petitioner.

6. This order shall also dispose of Civil Misc. No.16307 of 2017.

**(AJAY KUMAR MITTAL)
ACTING CHIEF JUSTICE**

**(TEJINDER SINGH DHINDSA)
JUDGE**

May 08, 2018

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Whether speaking/reasoned?

Yes/No

Whether reportable?

Yes/No