

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

**CM No. 3922-CWP of 2018
in/and CWP No. 6173 of 2018
Decided on : 14.03.2018**

Laxmi Devi and others

. . . Petitioners

Versus

State of Haryana and others

. . . Respondents

**CORAM: HON'BLE MR. JUSTICE AJAY KUMAR MITTAL
HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL**

PRESENT: Mr. Bhupinder Ghai, Advocate
for the applicant-petitioners.

AJAY KUMAR MITTAL, J. (Oral)

CM No. 3922-CWP of 2018

Certified/true typed copies of Annexure P-1 (Colly) filed along with the application is taken on record, subject to all just exceptions. Office to tag the same at the appropriate place.

CM stands disposed of.

Main case

This order shall dispose of CWP Nos. 6173 and 6175 of 2018, as according to the learned counsel for the petitioners, the issue involved therein is identical. Relevant facts are being extracted from CWP No. 6173 of 2018.

2. The petitioners claiming themselves to be the residents of dwelling unit No. 4037 at Sainik Colony, Sector 49, Faridabad, Haryana and have approached this Court by way of present writ petition filed under Articles 226/227 of the Constitution of India, pray that the respondents be restrained from sealing/demolishing aforesaid dwelling units in pursuance to the notice Annexure P-9 issued on 07th March, 2018, under Section 261(1) of the Haryana Municipal Corporation Act, 1994 (hereinafter referred to as 'the Act'), wherein, it has been stated that there are certain illegal constructions in the said dwelling units.

3. Learned counsel for the petitioner submitted that in response to the said notice of respondent No.3, the petitioners had filed their written replies vide Annexures P-10 to P-13 (dated 10.03.2018), informing that

there is no illegal construction raised after the occupation certificate was granted by the Department. It was stated that the petitioners are apprehending that without deciding the aforesaid written replies, the respondents are likely to seal/demolish the said dwelling units, as the authorities have visited the premises on several occasions.

4. After hearing learned counsel for the petitioners, perusing the averments made in the writ petition and without expressing any opinion on the merits of the controversy, we deem it appropriate to dispose of the present writ petitions at this stage by directing respondent No.3 – Joint Commissioner, NIT-II Zone, Municipal Corporation, Faridabad, to take a decision on the written replies Annexure P-10 to P-13, after affording an opportunity of hearing to the petitioners and by passing a speaking order, in accordance with law, within a period of one month from the date of receipt of certified copy of the order. Needless to say that anything observed herein above shall not be taken to be an expression of opinion on the merits of the controversy.

5. It is, however, clarified that till the final decision is taken on the written replies Annexure P-10 to P-13 of the petitioners, no coercive steps shall be taken by the respondents.

(AJAY KUMAR MITTAL)
JUDGE

(ANUPINDER SINGH GREWAL)
JUDGE

March 14, 2018
J.Ram

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