

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

**CWP No. 6348 of 2018
Decided on : 14.03.2018**

Asha Rani 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. Rajesh Lamba, Advocate
for the petitioners.

AJAY KUMAR MITTAL, J. (Oral)

The petitioners have approached this Court under Articles 226/227 of the Constitution of India, seeking quashing of the impugned orders/notices dated 07th March, 2018 [appended as Annexure P-1 (Colly)], as the same have been issued without following the provisions of the Haryana Municipal Corporation Act, 1994 (hereinafter referred to as 'the Act;'), as amended up to date, wherein, violation has been shown but no demarcation/particular violation has been pointed out regarding the property of the petitioners against the mandatory provisions of the Act. A further prayer has been made for restraining the respondents from demolishing/sealing the residential units No. E-1607, H-2646, E-1607, H-2576, F-1756, H-2757, H-2757, H-2757, H-2513, H-2513, H-2513, H-2513, H-2513, H-2513, K-4092, H-2757, H-2606, H-2606, H-2606, H-2576, E-1607, E-1607, E-2762, H-2646, H-2646, H-2646, H-2577, K-4092, H-2577, H-2577, K-4092, E-1607, H-2759, F-1756, F-1756, F-1756, F-2646, F-1756, H-2757, H-2644, 2710, H-2644, 2646, H-2758, H-2758, H-2758, H-2758, H-2758, H-2758, H-2576, H-2576 & E-1496, Sainik Colony, Sector 49, Faridabad, Haryana. A direction has also been sought to direct the respondents to grant the occupation certificate of independent floors in pursuance to the memo No. PF-4/5/46/2011-2TCP, dated 30th May, 2011 (Annexure P-7) as the petitioners are already in occupation of the property.

2. Learned counsel for the petitioners submitted that in response to the said orders/notices of the respondent-authorities, the petitioners had filed their written replies vide Annexures P-2 (Colly) (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.

3. 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 petition at this stage by directing the respondent i.e. Joint Commissioner, NIT-II Zone, Municipal Corporation, Faridabad, to take a decision on the written replies Annexure P-2 (Colly), 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.

4. It is, however, clarified that till the final decision is taken on the replies Annexure P-2 (Colly) 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