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

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**Civil Writ Petition No.6883 of 2018
Date of decision: March 19, 2018**

Ravi Rathore 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 petitioners.

AJAY KUMAR MITTAL, J. (Oral)

1. The petitioners claiming themselves to be the residents of dwelling units No.2762, T.P.S.-I at Sainik Colony, Sector 49, NIT, Faridabad, Haryana, have approached this Court by way of present writ petition filed under Articles 226/227 of the Constitution of India, seeking direction to the respondents not to seal/demolish their dwelling units in pursuance to the notice dated 07.03.2018 (Annexure P-7), issued by respondent No.3, 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.

2. Learned counsel for the petitioners submitted that in response to the said notice of respondent No.3 (Annexure P-7), the

petitioners had filed their written replies dated 10.03.2018 (Annexures P-8 & P-9), 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. Notice of motion to the respondents. At the asking of the Court, Mr. Deepak Manchanda, Advocate, who is present in Court, accepts notice on behalf of the respondent-Municipal Corporation, Faridabad. A copy of the petition has been supplied to learned counsel for the respondent-Municipal Corporation, Faridabad.

4. After hearing learned counsel for the parties, 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 respondent No.3—Joint Commissioner, NIT-II Zone, Municipal Corporation, Faridabad, to take a decision on the written replies i.e. Annexures P-8 & P-9, 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 i.e. Annexures P-8 & P-9 of the petitioners, no

coercive steps shall be taken by the respondents.

6. Before parting with the order, it is mentioned that the notice dated 07.03.2018, issued under Section 261(1) of the Act, appended as Annexure P-7 with the writ petition, is subject matter of challenge in various writ petitions as similar general notices are being issued to all the residents of the Sainik Colony, Sector 49, NIT, Faridabad, Haryana. A perusal thereof shows that the authority-Joint Commissioner, NIT II Zone, Municipal Corporation, Faridabad (respondent No.3), has not specified the violation/illegal construction raised by the occupants and these are stereotyped notices. Accordingly, it is directed that the Joint Commissioner, NIT II Zone, Municipal Corporation, Faridabad, firstly, shall inspect the premises and specify the illegal construction/violation raised in Sainik Colony, Sector 49, NIT, Faridabad, and he/she shall, thereafter, issue the notices in accordance with law. Mr. Deepak Manchanda, Advocate representing the Municipal Corporation, Faridabad assures that he shall bring this to the notice of the authorities concerned for compliance.

(AJAY KUMAR MITTAL)
JUDGE

(ANUPINDER SINGH GREWAL)
JUDGE

March 19, 2018
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Whether speaking/reasoned?
Whether reportable?

Yes/No
Yes/No