

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

RSA No.3341 of 2018 (O&M)
Date of decision: 26.07.2018

Bhana Ram and another .. Appellants

vs.

The Executive Officer, Municipal Corporation, Karnal .. Respondent

Coram: Hon'ble Mr. Justice Harinder Singh Sidhu

Present:- Mr. R.S. Mamli, Advocate
for the appellants.

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Harinder Singh Sidhu, J.

The plaintiffs have filed the present RSA against the judgments of the Courts below whereby their suit for declaration to the effect that notice dated 17.04.2015 issued by the respondent-Municipal Corporation, Karnal alleging that the possession of the plaintiffs over the house in question is illegal and that they appear before the authority within seven days, to show cause why the construction be not removed, has been dismissed.

Notice was issued under Section 408-A (i) of the Haryana Municipal Corporation Act, 1994. The suit has been primarily dismissed on the ground that the appellants have remedy of appeal under Section 408-B of the Act and that the jurisdiction of the Civil Court was barred. It was also observed that as no order of demolition had been issued, the suit was premature.

Learned counsel for the appellant states that they have now received the notice dated 28.06.2018 from the Municipal Corporation, Karnal regarding the same matter calling them for personal hearing to explain the alleged encroachment and unauthorized construction by them.

In view of the fresh notice issued to the plaintiffs-appellants, learned counsel does not wish to press this appeal.

Consequently, the present appeal is disposed of as not pressed giving liberty to the plaintiffs-appellants to appear before the respondent in response to the notice. They may appear before the concerned authority as specified in the notice dated 28.06.2018 on or before 09.08.2018. It would be open to them to take all the pleas that may be available to them. They would also be entitled to refer to any document in support of their claim.

26.07.2018
Atul

(Harinder Singh Sidhu)
Judge

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