

CWP-3963-2019 (O&M)

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

**CWP-3963-2019 (O&M).
Decided on: February 14, 2019.**

Manoj Kumar

.. Petitioner

VERSUS

State of Haryana and others

.. Respondents

*** * ***

**CORAM: HON'BLE MR.JUSTICE JASWANT SINGH
HON'BLE MR.JUSTICE ARUN KUMAR TYAGI**

*** * ***

**PRESENT Mr.V.P.Sangwan, Advocate,
for the petitioner.**

JASWANT SINGH, J. (ORAL)

Petitioner (Manoj Kumar) is resident of village Haluwas,
Tehsil and District Bhiwani.

By filing the instant writ petition, the petitioner seeks a
mandamus to the Department of Town and Country Planning for removing
illegal constructions which are in the shape of shops from the common land

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of the Gram Panchayat of his village as per ***jamabandi*** for the year 2016-17 (Annexure P2).

It is conceded that a resolution, Annexure P3, by the Gram Panchayat, was passed on 5.12.2006, whereby, to augment the income of the Gram Panchayat, it was decided to construct shops and lease them out for a period of five years. The resolution was also sent to the Director Panchayat, Haryana, for obtaining permission.

It is also conceded that the shops stood constructed before a fresh resolution, Annexure P4, was passed on 4.12.2009 to construct six godowns on the remaining vacant land of the Gram Panchayat situated on the Bhiwani-Loharu Road. The said resolution, Annexure P4 dated 4.12.2009, was also sent to the BDPO, Bhiwani, for seeking approval.

The claim of the petitioner is that the area of the Gram Panchayat was included in the notification issued by the Department of Town and Country Planning, declaring it to be a ***controlled area*** and the construction being in violation of the land use, the same have to be demolished.

It is submitted that the representations have been filed by the petitioner before the Department of Town and Country Planning, however, no action has been taken till now.

No material has been placed before us to show that what were the notified development – zonal plans issued by the Department of Town and Country Planning, specifying the ***“land use”*** for the area in

question or the violations, if any, compoundable or non-compoundable. It is also not clarified as to whether the said controlled area of the village falls within the extended municipal limits in which case the action, if any would have to be initiated by the Municipal Committee – Council. It is also not clear as to whether any permission to construct or reconstruct was liable to be obtained under the provisions of the Punjab Scheduled Roads and Controlled Areas Restriction of Unregulated Development Act, 1963 read with 1965 Rules.

After arguing for some time, counsel for the petitioner prays for permission to withdraw the instant writ petition to enable his client to seek his remedy in accordance with law.

Dismissed as *withdrawn*.

(JASWANT SINGH)
JUDGE

February 14, 2019.
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(ARUN KUMAR TYAGI)
JUDGE

Whether speaking / reasoned	Yes / No
Whether reportable	Yes / No