

135
IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

SANJIV KUMAR SHARMA
2019.11.26 16:58
I attest to the accuracy and
authenticity of this document

CWP-PIL-82-2019
Date of decision : 25.11.2019

Satpal Petitioner

Versus

State of Haryana and others Respondents

CORAM: HON'BLE MR. JUSTICE RAJIV SHARMA
HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

Present:- Mr. Mohammad Arshad, Advocate
for petitioner.

Ms. Shubra Singh, Additional A.G. Haryana.

Mr. Deepak Balyan, Advocate
for respondents No. 2, 4 and 5.

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RAJIV SHARMA, J (ORAL)

The present petition has been filed styled as Public Interest Litigation seeking following reliefs :

- i. Issuance of a writ in the nature of mandamus directing the respondents to carry out measurement and demarcation and removal of illegal encroachments from the municipal corporation land of village Darbaripur, Sub Tehsil Badshahpur, District Gurugram, by constructing houses due to which public inconvenience caused as well corporation is suffering heavy revenue losses to the respondents
- ii. Further issuance of a writ in the nature of mandamus directing the respondents to decide the legal notice date 6.11.2017 (Annexure-P-8) within period of six weeks
- iii. Any other writ, order or direction, which this Hon'ble Court may, deems fit in the given circumstances in the interest of justice.
- iv. Filing of certified copies of annexure (s) and serving of advance notices may kindly be dispensed with costs of the petition be awarded to the petitioner in the interest of justice.'

Respondents No. 2, 4 and 5 have filed written statement on the affidavit of Joint Commissioner-IV, Municipal Corporation, Gurugram. It is stated in para-4 of preliminary submissions that in sequel to legal notice served by the petitioner upon the Municipal Corporation, Gurugram stating therein that illegal encroachments have been made in village Darbaridpur, the demarcation was got conducted through Field Kanungo, Halka Badshahpur, Gurugram. Thereafter, notices were issued to 317 encroachers under Section 408A(1) of Haryana Municipal Corporation Act, 1994 (in short 'HMC Act, 1994'). The reply tendered by encroachers was found not to be satisfactory. Thereafter, the demolition orders under Section 408A (2) of HMC Act, 1994 were issued. Out of 317 encroachers, 28 persons filed the civil suit in Civil Court, Gurugram, against the demolition orders, passed by Joint Commissioner, Municipal Corporation, Gurugram. No interim was granted to them against the demolition orders. The demolition of encroachment is under consideration of competent authority. The petitioner also made specific allegation that Ranbir Singh has also raised unauthorized construction to the Chief Minister.

Accordingly, present petition is disposed of with a direction to Municipal Corporation, Gurugram to execute the demolition orders, in pursuance to notices issued by them, after receipt of report of Revenue Officer, Halka Badshahpur, Gurugram, issued under Section 408A (2) of HMC Act, 1994, within a period of 4 weeks from today. The Municipal Corporation, Gurugram, is also directed to find out specific allegations made by petitioner regarding unauthorized construction raised by Ranbir Singh.

(RAJIV SHARMA)
JUDGE

(HARINDER SINGH SIDHU)
JUDGE

25.11.2019
sjks

Whether speaking order	:	Yes	/	No
Whether reportable	:	Yes	/	No