

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

CM-8465-CWP-2019 in /and
CWP-13367-2019
Date of decision: 29 .5.2019

Ramesh Kumar

...Petitioner(s)

Versus

State of Haryana and others

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr.Abhinav Gupta, Advocate for the petitioner

Mr.Vikrant Pamboo, DAG, Haryana

Mr.Deepak Manchanda, Advocate for respondent Nos. 4 and 5

JITENDRA CHAUHAN, J.

CM-8465-CWP-2019

For the reasons enumerated in the application, the same is allowed and sale deed dated 16.3.1992 is taken on record as Annexure P-11 subject to all just exceptions.

CWP-13367-2019

The present writ petition under Articles 226/227 of the Constitution of India has been filed for quashing the notices dated 31.12.2018 (Annexures P-7 & P-8).

Learned counsel for the petitioner refers to sale deed dated 16.3.1992 (Annexure P-11), to contend that the land was purchased by one Surendra Pal from the original owner Uma Rani. Said Surendra Pal had executed a power of attorney dated 12.8.2002 in favour of the petitioner

and thereafter, the petitioner is in settled possession of the plot in issue. The respondents have issued notices dated 31.12.2018 (Annexures P-7 & P-8) for demolition of the part of the structure/ building of the petitioner without affording any opportunity of hearing to him. He further states that he has not been afforded opportunity of hearing before issuing notices for demolition of structure. He be allowed opportunity to present his case before respondent No.4 with a direction for consideration and decision by respondent No.4.

On the other hand, learned counsel for respondent Nos. 4 and 5 submits that the whole exercise is being carried out in pursuance of judgment dated 4.10.2008 (Annexure P-4) passed by this Court in CWP-4886-2003. Certain residents have filed COCP -1641-2018 against the respondents for not implementing the judgment passed in the said writ petition.

Heard.

In the circumstances, the petitioner is directed to file a representation before respondent No.4- Commissioner, Municipal Corporation, Ambala alongwith the requisite documents with regard to the proof of ownership and possession of the land in question within ten days from today.

In view of the above, without adverting to the merits of the case, the present petition is disposed of with a direction to respondent No.4 – Commissioner, Municipal Corporation, Ambala to consider and decide the representation to be moved by the petitioner, expeditiously in

accordance with law.

In view of the assertions made by learned counsel for the petitioner that he is the bona fide purchaser of the land from the original owner, it is ordered that till the finalization of the representation, if so filed by the petitioner, notices dated 31.12.2018 (Annexure P-7 & P-8) be not acted upon.

29.5.2019
gsv

[JITENDRA CHAUHAN]
JUDGE

Whether speaking / reasoned?

Yes / No

Whether reportable?

Yes / No