

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

1. C.R. No. 6066 of 2019

District Town Planner Enforcement, Gurugram ...Petitioner

Versus

Inderdeep Singh Kakkar ...Respondent

2. C.R. No. 6067 of 2019

District Town Planner Enforcement, Gurugram ...Petitioner

Versus

Rajesh Bansal ...Respondent

3. C.R. No. 6071 of 2019

District Town Planner Enforcement, Gurugram ...Petitioner

Versus

Kavita Bansal ...Respondent

Date of decision:- 26.11.2019

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Mr. R.K.S. Brar, Addl.A.G. Haryana
for the petitioner (s)

Mr. Gursharan Singh Bhandaal, Advocate and
Mr. Mannu Chaudhary, Advocate
for the caveator/respondent.

RITU BAHRI J. (Oral)

1. This order shall dispose of the above three petitions whereby challenge is to orders dated 01.06.2019/06.06.2019 passed by Addl. District Judge, Gurugram vide which the ad-interim/ex-parte injunction has been granted in favour of the plaintiff/respondent and the petitioner/defendant

has been restrained from interfering in any manner in the peaceful use and occupation of the suit property by the plaintiff/respondent and directed to remove the seals affixed on the suit property within 24 hours. However, for the facility of reference, the facts are being taken from C.R. No. 6066-2019

2. A bare perusal of the impugned order dated 06.06.2019 shows that the plaintiff/respondent filed a suit against the petitioner, as petitioner had passed an order for cancellation of the occupation certificate of the premises of the respondent i.e A-26/14, DLF, Phase I Gurugram. Initially the learned trial Court declined the interim relief to the respondent with the observation that the Municipal Corporation, Gurugram has not been impleaded as party. But on appeal filed by the respondents, the Lower Appellate Court has relief upon judgment of this Court in ***Rajat Kuchhal and others vs. State of Haryana and others, CWP No. 17408-2007 decided on 23.08.2012*** and the petitioner filed ***SLP (Civil) No. 22539-22543 of 2013 titled as State of Haryana and others etc v. Rajat Kuchhal and others***, which is pending before Hon'ble the Supreme Court and no stay has been granted. In ***Rajat Kucchal's case (supra)***, it has been held that the petitioner-Town and Country Planning Department has no jurisdiction to initiate proceedings in the controlled area, now forming part of the Municipal area.

3. Keeping in view ***Rajat Kucchal's case (supra)***, the impugned orders does not suffer from any illegality or infirmity.

4. The petitions stand dismissed.

26.11.2019

G Arora

(RITU BAHRI)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No