

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No. 7719 of 2020 (O&M)

Date of Decision: 03.06.2020

SANJAY MITTAL AND OTHERS

....Petitioners

VS.

STATE OF HARYANA AND OTHERS

...Respondents

CORAM: **HON'BLE MR. JUSTICE RAKESH KUMAR JAIN.**
HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present: Mr. Pankaj Jain, Advocate,
for the petitioners.

Mr. Ankur Mittal, Additional Advocate General, Haryana.

RAKESH KUMAR JAIN, J. (ORAL)

Case taken up through video conferencing.

The petitioners have assailed the validity of the notices dated 23.05.2020 and 25.05.2020 [Annexures P-11 (Colly)], issued on the basis of the order dated 23.10.2018 (Annexure P-10), passed by the National Green Tribunal, New Delhi.

In the said notices, petitioners have been given 7 days' time to demolish the construction raised by them over the land in question (stated to be a Farm House), without referring to their replies to the show cause notice already filed and without affording any opportunity of hearing.

Notice of motion.

At this Stage, Mr. Ankur Mittal, Additional Advocate General, Haryana accepts notice on behalf of respondents.

We have heard counsel for the parties in detail.

During the hearing, the learned Additional Advocate General, Haryana sought a pass over in order to seek some instructions from the concerned quarters and on the basis of the instructions received from the Executive Engineer , Municipal Council, Sohna, District Gurugram submitted that the petitioners shall be served three days' notice for hearing and the decision shall be taken within seven days' after hearing all the parties concerned.

At this stage, Mr. Ankur Mittal, Additional Advocate General, Haryana has informed the Court that there are 450 entities/persons who have allegedly changed the nature of their land from *gair mumkin pahad* to *Farm House* which include the petitioners also to whom notices have been issued and most of them have filed their response as well. It is further submitted that they shall also be given notice of three days and after hearing them, their cases shall also be decided as stated hereinbefore. Since, those similarly situated persons are not before this Court to whom notices have to be given but in order to avoid a flood of litigation in this Court at the instance of those persons, we further observe that three days' notice be given to other similarly situated persons, their cases shall also be decided by affording an opportunity of hearing, within a period 7 days. In this regard, Counsel for the State has submitted that the construction raised by the petitioners and the similarly situated persons shall also not be demolished till the decision is taken as stated herein above.

It is further clarified that neither the petitioners nor the persons similarly situated shall try to delay the proceedings which is now going to be initiated by the Municipal Council, Sohna, District Gurugram, for the purpose of decision on the Show Cause Notice.

The writ petition is disposed of accordingly.

[RAKESH KUMAR JAIN]
JUDGE

June 3, 2020
Ess Kay

[ASHOK KUMAR VERMA]
JUDGE

<i>Whether speaking / reasoned</i>	:	Yes	/	No
<i>Whether Reportable</i>	:	Yes	/	No