

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

CWP-13949-2020

Date of decision: 09.09.2020

Dharamvir Sehrawat and others

...Petitioners

Versus

State of Haryana and others

...Respondents

**Coram: Hon'ble Mr. Justice Rakesh Kumar Jain
Hon'ble Mr. Justice Ashok Kumar Verma**

**Present: Mr. Akshay Bhan, Senior Advocate with
Mr. Alok Mittal, Advocate, for the petitioners.**

Rakesh Kumar Jain, J. (Oral)

Case taken up through Video Conferencing.

The petitioners No.1 and 2 are the owners of the premises known as "Bliss Premiere" and petitioner No.3 is the occupant as a lessee.

Shorn of unnecessarily details, the petitioners have approached this Court because of repeated show cause notices dated 25.06.2020 (Annexure P-50) purported to have been issued by the Municipal Corporation, Gurugram under Section 261(2), 263(A), 265, 266 of Haryana Municipal Corporation Act, 1994 (for short "the Act") and 24.07.2020 (Annexure P-52), issued for submitting documentary proof of operation of banquet halls within 900 mtr. of ammunition depot.

It is argued that the petitioners have already submitted their reply on 30.06.2020 to the show cause notice dated 25.06.2020 and on 27.07.2020 to the show cause notice dated 24.07.2020 but the Corporation is not taking any decision on their reply in one way or the other, rather the petitioners have been put under the constant threat of demolition of their premises. It is submitted that the premises has been constructed by investing

crores of rupees and in case it is demolished by the Corporation without taking any decision on the replies filed by the petitioners to the show cause notices, then the petitioners shall suffer an irreparable loss and injury.

At this stage, Mr. Satya Pal Jain, Additional Solicitor General of India with Mr. Dheeraj Jain, Advocate has put in appearance on behalf of respondent No.2, Mr. Ankur Mittal, Additional Advocate General, Haryana, has put in appearance on behalf of respondents No.1 and 3 and Mr. Lokesh Sinhal, Advocate has put in appearance on behalf of respondent No.4 (Contesting respondent).

Mr. Sinhal has submitted that the Corporation shall take a decision on both the show cause notices after taking into consideration the replies filed thereto within the time which may be prescribed by this Court and undertakes that till then it will not take any action for demolition of the demised premises.

At the same time, Sh. Satya Pal Jain, Additional Solicitor General of India has pointed out that the petitioners may be restrained from raising any kind of construction within the periphery of 900 mtr from the ammunition depot.

Sh. Akshy Bhan, learned senior counsel has submitted that the petitioners No.1 and 2 and No.3 shall not raise any construction within the periphery of 900 mtrs from the ammunition depot.

Keeping in view the aforesaid facts and circumstances of the case, we dispose of this writ petition with a direction to respondent No.4 to take a decision on both the show cause notices dated 25.06.2020 and 24.07.2020 after taking into consideration the replies filed thereto dated

30.06.2020 and 27.07.2020 and if need be by affording an opportunity of hearing to the petitioners or their representatives.

Till then, the respondents shall not take any action detrimental to the interest of the petitioners in respect of the premises in dispute regarding its demolition. Let the needful be done by the Corporation within a period of two weeks' from the date of receipt of certified copy of this order.

[RAKESH KUMAR JAIN]
JUDGE

[ASHOK KUMAR VERMA]
JUDGE

09.09.2020
hemlata

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