

CWP-13532-2020

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

CWP-13532-2020

Date of Decision: 08.09.2020

ANOOP DEVI

....Petitioner

Versus

STATE OF HARYANA AND OTHERS

...Respondents

CORAM: Hon'ble Mr.Justice Deepak Sibal

Present: Mr.H.P.S.Ghumman, Advocate for the petitioner
Mr.Ashok Kumar Sehrawat, DAG Haryana
Mr.Jatinder, Advocate for respondent no.3

Deepak Sibal, J. (Oral)

Through the present petition challenge is made to the notice issued to the petitioner by the Municipal Council, Jind (for short 'the Council') under Section 181 of the Haryana Municipal Act, 1973 through which the petitioner has been asked to demolish the alleged encroachment made by her. It is further stated in the notice that in case the petitioner has any document in her favour which would justify the constructions made by her, she may produce the same before the Council within seven days otherwise the Council shall proceed to remove the encroachments at the costs and expenses of the petitioner.

Learned counsel for the petitioner submits that in response to the aforesaid notice the petitioner has submitted her reply on 6.08.2020 but without deciding the same the Council is proceeding to demolish the constructions made by her. He prays that till the Council considers the

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petitioner's response and passes a speaking order thereupon no adverse action be taken against the petitioner by the Council.

Learned State counsel as also learned counsel appearing for respondent No.3-Municipal Council admit to the aforesaid reply by the petitioner to the impugned notice sent to her.

In view of the above noticed facts, it is considered just and appropriate to issue a direction to the Council to consider the reply submitted by the petitioner to the said impugned notice and pass a speaking order thereupon. The needful be done within 2 weeks. Before passing the aforesaid speaking order the Council shall grant an opportunity of hearing to the petitioner as well to the complainant-respondent No.4. Till the passing of the speaking order and if the speaking order is adverse to the petitioner's interests, for a period of ten days thereafter, to enable the petitioner to avail of her legal remedies that she may have against such order, demolition of the alleged encroachment by the petitioner shall not be carried out.

The present petition stands disposed of in the above terms.

If the complainant-respondent No.4 is aggrieved by this order, she is at liberty to approach this Court through an appropriate application.

08.09.2020
gk

(Deepak Sibal)
Judge

Whether speaking/ reasoned: Yes/No
Whether Reportable: Yes/No