

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

CWP-11326-2016 (O & M)

Date of Decision: 25.02.2020

Rohtash

...Petitioner (s)

Vs.

State of Haryana and ors.

...Respondent(s)

**CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA
HON'BLE MR. JUSTICE KARAMJIT SINGH**

Present: Mr. Munish Behl, Advocate, for the petitioner(s).

Mr. Ankur Mittal, Addl.A.G., Haryana.

RAJAN GUPTA, J. (Oral)

Petitioner has impugned order dated 31.03.2016, Annexure P-12 whereby he was asked to restore the land to its original state by removing the construction thereon within a fixed time-frame. The order is passed as the authority came to the conclusion that the construction was in violation of Section 6 of the Punjab Scheduled Roads and Controlled Areas Restriction of Unregulated Development Act, 1963.

At the outset, learned State counsel has raised an objection that the petitioner did not avail the remedy of appeal against the aforesaid order.

Learned counsel for the petitioner, however, submits that, at the relevant time, the appellate body was not in existence. He had, thus, no option but to approach this court by way of writ petition. He further submits that if his appeal is entertained by the appellate body, which is, admittedly, functional now, he is ready to withdraw the present petition and approach the said body.

Mr. Mittal, learned State counsel, submits that, in case, any application seeking condonation of delay is moved by the petitioner before the appellate forum, it shall not be opposed by the State.

Under the circumstances, this petition is dismissed as withdrawn with liberty to the petitioner to approach the appellate forum. The said forum would endeavour to conclude the proceedings expeditiously, in any case, not later than six months. Till then status quo shall be maintained.

(RAJAN GUPTA)
JUDGE

(KARAMJIT SINGH)
JUDGE

February 25, 2020
sukhpreet

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