

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CWP-17381-2019 (O&M)

Date of Decision: 5.3.2020

Naveen

...Petitioner

Versus

State of Haryana and others

...Respondents

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

PRESENT: Mr. Sandeep Sharma, Advocate for the petitioner.

Mr. Ankur Mittal, Additional Advocate General, Haryana.

Mr. Akshay Bhan, Senior Advocate with
Mr. Sushant Kareer, Advocate for the applicant.

RAJAN GUPTA, J. (Oral)

Petitioner has prayed for a writ in the nature of certiorari for quashing notices dated 28.7.2016 and 2.4.2018 (Annexures P-2 and P-3) and impugned order dated 7.3.2019 (Annexure P-6) passed by the Principal Secretary to Government of Haryana, Town and Country Planning Department.

The authority came to the conclusion that the petitioner was carving out unauthorized colony on the land which was impermissible. An opportunity of hearing was also afforded to him by the said authority. The Principal Secretary, on scrutiny of documents available on the file found that notice dated 2.4.2018 (Annexure P-3) had rightly been issued to the petitioner due to unauthorized construction raised by him. It, thus, dismissed the appeal preferred by the petitioner against the issuance of

We find no infirmity with the order.

Besides, learned counsel for the intervener has pointed out that there is a civil litigation already pending between the petitioner and the applicant wherein there is injunction from raising illegal construction. However, construction is being carried on with impunity. Writ jurisdiction could not have been invoked by the petitioner when the issue involved in the writ petition is already pending in a civil suit.

Keeping in view the fact and circumstances of the case, we find no ground to interfere in the writ petition. Dismissed.

CM-14309-CM-2019

As the plea of the applicant has been dealt with in the order, no separate order needs to be passed in the application.

CM is disposed of.

(RAJAN GUPTA)
JUDGE

March 5, 2020
gbs

(KARAMJIT SINGH)
JUDGE

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No