

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

105

**CWP-628-2021
Date of decision: 07.12.2021**

RAM PARKASH

...Petitioner

Versus

STATE OF HARYANA AND ORS

...Respondents

**CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA
HON'BLE MR. JUSTICE VINOD S. BHARDWAJ**

Present : Mr. Kuldeep Khandewal, Advocate
for the petitioner.

Mr. Arvind Seth, Advocate
for HSVP.

TEJINDER SINGH DHINDSA. J. (ORAL)

This case has been taken up through Video Conferencing via Webex facility in the light of Pandemic Covid-19 situation and as per instructions.

Instant writ petition was filed assailing the notice dated 17th November, 2020 (Annexure P-7) and also an intimation given in the *Dainik Bhaskar* newspaper dated 24th December, 2020 (Annexure P-8) vide which the fourth respondent i.e., Collector-cum-Estate Officer, HSVP, Hisar had taken a decision to demolish the constructed house of the petitioner along with certain other constructions.

Notice of motion having been issued, a written statement on behalf of respondent Nos.2 to 4 has been placed on record.

Paras 3, 9 and 12 of the written statement would be relevant and the same are extracted hereunder:-

'3. *That the petitioner and his brothers filed Civil Suit No.36-C of*

which was partly decreed vide Judgment dated 05.01.2018 with the direction not to interfere in the peaceful possession of the plaintiffs in any manner over the 4.65 Marla land in Khasra No.5350.

9. *That the office of Estate Officer, HSVP, Hisar not taking action against the petitioner because the appeal against the judgment and decree dated 05.01.2018 is pending.*

12. *That in view of the facts, the judgment and decree dated 05.01.2018 (Annexure P/5) is under challenge by way of Civil Appeal No.16/2021 which is pending before the court of Sh. Vivek Goyal, Ld. ADJ, Hisar for 03.01.2022. The decision has been taken to withdraw the demolition notices and orders of demolition. In this regard, it is submitted that the further action regarding demolition under Section 18(1)(b) of the HSVP Act 1977 will be taken after the decision of the above said Civil Appeal.'*

In the light of such categoric stand taken on behalf of contesting respondent, no intervention at this stage is called for in the instant writ petition.

Needless to observe that in case any order is passed in future, which may be construed as detrimental to the interest of petitioner, it would always be open for him to take resort to legal remedy as per law.

Writ petition is disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

(VINOD S. BHARDWAJ)
JUDGE

07.12.2021

S.Sharma(syr)

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