

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

**CWP No.2463 of 2021
Date of Decision: 03.02.2021**

Aspak Khan

...Petitioner

Versus

State of Haryana and others

...Respondents

**CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH
HON'BLE MR. JUSTICE ASHOK KUMAR VERMA**

Present: None.

Through Video Conferencing

AUGUSTINE GEORGE MASIH, J.(ORAL)

The petitioner has approached this Court with a prayer for issuing a writ of mandamus directing the respondents to protect the petitioner's premises having a small cement workshop and his residential house situated at 18/2, Ajronda Chowk, Mathura Road, Faridabad, demolition of which has been attempted at the instance of authorities of HSVP, Faridabad, without issuing any notice under Section 18 of the HUDA Act, 1977 and in violation of decree of permanent injunction granted in favour of the petitioner and against respondents No.2 and 3 by the Civil Judge, Faridabad, dated 08.05.2015 (Annexure P-3).

It is asserted by the petitioner that the land on which the small cement workshop and the residence of the petitioner is situated is a subject matter of the writ petition which is pending here i.e. CWP No. 13433 of

2001 preferred by the land owner challenging the Land Acquisition Award regarding Khasra No.1156 and 1157. In the said writ petition, order of status quo with regard to possession has been granted on 14.01.2016 (Annexure P-5), which is still subsisting. The petitioner had also earlier approached this Court by filing CWP No.22994 of 2012, which was disposed of by this Court vide order dated 22.11.2012 (Annexure P-2), relegating the petitioner to the remedy of filing a civil suit for permanent injunction. The civil suit which was preferred by the petitioner stands decreed on 08.05.2015 (Annexure P-3) as referred to above and the said decree has attained finality as no appeal was preferred by the respondent authority. Now, the officials of the respondents are threatening and have made efforts to demolish the house as well as small cement workshop of the petitioner without giving him any notice. The decree passed by the Civil Court when brought to the notice of the respondents they restrain themselves however the threat with regard to the same is still persisting qua the petitioner and therefore, the present writ petition, when despite representation having been submitted by the petitioner dated 21.01.2021 (Annexure P-6) to the respondent No.2 – Administrator, Haryana Urban Development Authority (HSVP), Sector-12, Faridabad, without hearing any response thereto. A reference to the photographs attached with the said representation has also been made.

Keeping in view the above facts and circumstances, we deem it appropriate to dispose of the present writ petition at this stage by directing respondents No.2 and 3, i.e. Administrator, Haryana Urban Development Authority (HSVP), Sector 12, Faridabad and Estate Officer, Haryana Urban Development Authority (HSVP), Sector 12, Faridabad, to consider the representation of the petitioner dated 21.01.2021 (Annexure P-6) and if some substance is found therein, take appropriate steps, in accordance with

law, including restraining the authorities from the alleged demolition of the cement workshop as well as the residence of the petitioner. The said decision shall be taken within a period of two weeks from the date of receipt of certified copy of this order.

(AUGUSTINE GEORGE MASIH)
JUDGE

(ASHOK KUMAR VERMA)
JUDGE

February 03, 2021
Davinder Kumar

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