

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

CWP-3834-2021

Date of decision: 18.2.2021

Narender Nagar

...Petitioner

Versus

State of Haryana and others

...Respondents

**CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN
HON'BLE MR. JUSTICE VIVEK PURI**

Present: Mr.Mohit Garg, Advocate for the petitioner

Mr.Raman K. Sharma, Addl.AG, Haryana

JITENDRA CHAUHAN, J.

The matter has been taken up through video-conferencing in the light of the pandemic Covid-19 situation and as per instructions.

This writ petition under Articles 226/227 of the Constitution of India has been filed for issuance of direction to respondents to correct the amount of regularization of building/ site of the petitioner under Sections 5 & 6 of the Punjab Scheduled Roads and Controlled Areas (Restrictions of Unregulated Development) Act, 1963 in accordance with the demarcation of the building maintained in the official record of the respondents.

States that initially vide letter dated 21.9.2010 (Annexure P6), a demand of Rs.64,930/- was raised by the respondents, which was subsequently increased to Rs.1,18,980/- in addition to the earlier amount.

There is a further revision dated 12.12.2012 (Annexure P7), whereby a

demand of Rs.1,51,674/- has been raised towards the regularization fee of the structure raised by the petitioner. Learned counsel further states that the petitioner has not been heard and this decision has been taken unilaterally without examining the three representations, Annexures P1, P3 and P8 filed by the petitioner. He further submits that in case the opportunity of hearing is afforded to him, he will settle the amount with the authorities and shall pay the amount so calculated within four weeks from today. He states that at this stage, he will be satisfied, in case the respondents are directed to decide the representation Annexure P-8 within specified time.

The learned State counsel states that the representation (Annexure P8) is undated. The learned counsel for the petitioner undertakes to file a copy of representation (Annexure P8) to the competent authority within a week from today.

In view of the above, without adverting to the merits of the case, the present petition is disposed of with a direction to respondent No.2- Director General, Country and Town Planning, Haryana to consider and decide the representation (Annexure P8), in accordance with law within eight weeks from the date of filing the fresh copy of the same. In case, on consideration, the competent authority reaches to the conclusion that the benefit claimed by the petitioner is admissible to him, in such eventuality, the consequential relief be allowed to him, within a period of six weeks thereafter. However, in case the competent authority feels that the relief claimed by the petitioner is not admissible or made out, in that case, a

speaking order be passed in the matter.

The demolition of the house/ building of the petitioner shall remain stayed till the decision on the said representation and four weeks thereafter, so that the petitioner is able to avail the legal recourse.

[JITENDRA CHAUHAN]
JUDGE

[VIVEK PURI]
JUDGE

18.02.2021
gsv

Whether speaking / reasoned?	Yes	/	No
Whether reportable?	Yes	/	No