

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

211

CWP-9659-2020 (O&M)

Date of decision: 20.12.2021

YOGESH KUMAR

..Petitioner

Versus

COMMISSIONER, GURUGRAM DIVISION AND ORS

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Munish Gupta, Advocate for the petitioner.
Mr. Samarth Sagar, Addl. AG, Haryana.
Mr. TS Attariwala, Advocate for respondent No.3.
Mr. Prashant S. Chauhan, Advocate for respondent No.4.

ANIL KSHETARPAL, J (Oral)

The petitioner is stated to have started the construction of a building which was stopped by the Deputy Commissioner with a direction to the petitioner to apply for and get the building plan sanctioned. The petitioner complied with the aforesaid direction and the Municipal Council, Narnaul, sanctioned the building plan. However, the Deputy Commissioner has cancelled the same under Section 246 of the Haryana Municipal Act, 1973 (in short '1973 Act'). The correctness of the aforesaid order, passed by the Deputy Commissioner, is assailed before this Court. No doubt, the Deputy Commissioner has the enabling power to suspend the execution of any resolution or order of the Municipal Committee, however, such a power has to be exercised only within the four corners of Section 246 of 1973 Act. It is evident that the Deputy Commissioner has not given any reason while

to be cryptic.

Keeping in view the aforesaid facts, the present petition is allowed and the order (dated 27.06.2019) under challenge is quashed.

All the pending miscellaneous application(s), if any, are also disposed of.

20.12.2021

ashok

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)

JUDGE