

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 13957 of 2021

Date of Decision: 29.07.2021

Harmesh Kumar Sharma

....Petitioner

VS

Union of India and others

....Respondents

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL**Present:** Mr. Bhupinder Gupta, Advocate
for the petitioner

SUDHIR MITTAL, J. (Oral)

The petitioner is allegedly the lessee of holder of occupancy rights. It is stated that he is residing therein since the year 1970. The proceedings for raising unauthorized construction were initiated in respect of the property in which he is residing, in the year 2018, and order dated 24.06.2020 has been passed directing the demolition of the unauthorized construction. This order is under challenge in this writ petition.

Learned counsel for the petitioner submits that the impugned order was passed during the period of lock down. In the said period movement was not possible and, thus, the petitioner could not appear and produce proof in support of his case. Thus, the impugned order may be set aside and the matter may be remanded for a fresh decision. In addition, it is submitted that eviction proceedings are also pending and till the finalization of the same, implementation of the impugned order may be stayed.

Neither of the submissions are legally tenable. The impugned order records that the petitioner put in appearance on 18.09.2018 but did not appear thereafter. Lock down was imposed in March 2020. The petitioner had a period of

1 year and 6 months to submit proof in support of his case. Having not done so, he can not say at this stage that he was denied a proper opportunity of hearing. He also can not take any benefit of the fact that notice in the case was issued in the name of 'Ramesh Sharma' but actually his name is 'Harmesh Kumar Sharma'. This is for the reason that on receipt of notice in the name of 'Ramesh Sharma' he appeared before the Estate Officer. The second submission has no legs to stand. Merely because eviction proceedings are also pending, orders for demolition of unauthorized construction can not be stayed unless and until some legal error is found therein.

None has been pointed out.

For the aforementioned reasons, the writ petition has no merit and is dismissed.

(SUDHIR MITTAL)
JUDGE

29.07.2021
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Whether speaking/reasoned	Yes/No
Whether Reportable :	Yes/No