

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

1 (PROCEEDINGS THROUGH V.C.)

CM-11407-CWP-2021 in/and RA-CW-215-2020
in/and CWP-16045-2020

Date of Decision: November 12th, 2021

Oceans Constructions Company, New Delhi

...Petitioner

Versus

State of Haryana and others

...Respondents

**CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH
HON'BLE MR. JUSTICE HARINDER SINGH SIDHU**

Present: Mr. Piyush Aggarwal, Advocate
for the applicant-petitioner.

Mr. Raman Sharma, Additional Advocate General, Haryana.

AUGUSTINE GEORGE MASIH, J. (ORAL)

With the consent of the counsel for the parties, RA-CW-215-2020
in CWP-16045-2020 is preponed from 18.02.2022 to today for disposal.

RA-CW-215-2020 in CWP-16045-2020

Prayer in this application is for review of the order dated
01.10.2020.

Notice of the Review Application had been issued to the counsel
for the State and the counsel had sought time to file reply thereto. Today also,
time has been sought by the counsel for the State for filing reply to the
Review Application.

We have, with the assistance of the counsel for the parties, looked
into the merits of the case which had led to the passing of the order dated
01.10.2020.

It has been primarily asserted by the petitioner that it has not been

served with the notice No.18G/2020-2021 and in the absence of such a notice being received, there is no question of petitioner appearing before the competent authority on 28.06.2020, the date fixed for submitting of the explanation. Because of the non-appearance of the applicant-petitioner before the competent authority, notice dated 15.09.2020 (Annexure P-4) had been served on him for carrying out the demolition of the house/farm house/shop/tea stall. The writ petition was dismissed on the ground that it would be difficult to accept that the applicant-petitioner was not aware of the said fact of issuance of the earlier notice.

On going through the Review Application, it appears that the applicant-petitioner has made out a case for review of the order dated 01.10.2020 and, therefore, we accept the Review Application and recall the order dated 01.10.2020. The writ petition is restored to its original number.

At the joint request made by the counsel for the parties, the main writ petition is taken on board for consideration.

CWP-16045-2020

Keeping in view the pleadings in the present writ petition as well as what has been pointed out in the Review Application, we are of the considered view that the applicant-petitioner may be given an opportunity of responding to the notice No.18G/2020-2021 (Annexure P-3) within a period of ten days.

In case a response is filed by the petitioner within the above-mentioned time, the same shall be considered by the competent authority and thereafter fix a date for personal hearing and after hearing the petitioner, the competent authority will pass an appropriate order in accordance with law.

Till such an exercise is carried out by the competent authority, *status quo* with regard to construction, as it exists today, shall be maintained.

It will be appreciated if the decision is taken by the competent authority within a reasonable time and in any case not beyond the period of six weeks from the date of receipt of reply by the petitioner to the notice No.18G/2020-2021 (annexure P-3).

The writ petition stands disposed of in above terms.

In the light of the decision of the Review Application as also the writ petition, CM-11407-CWP-2021 stands disposed of as infructuous.

(AUGUSTINE GEORGE MASIH)
JUDGE

November 12th, 2021
Puneet

(HARINDER SINGH SIDHU)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No