

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

222

1. CWP-10350-2018 (O&M)
Date of decision: 27.09.2021
..Petitioner

MAHENDER KAUR

Versus

MUNICIPAL CORPORATION FARIDABAD AND ORS.
..Respondents

2. CWP-12772-2018 (O&M)

JEET SINGH ..Petitioner

Versus

MUNICIPAL CORPORATION FARIDABAD AND ORS.
..Respondents

3. CWP-9723-2018 (O&M)

SMT. SAROJ PAHAWA ..Petitioner

Versus

MUNICIPAL CORPORATION FARIDABAD AND ORS.
..Respondents

4. CWP-17959-2018 (O&M)

SUKHDEV SINGH ..Petitioner

Versus

MUNICIPAL CORPORATION FARIDABAD AND ORS.
..Respondents
5. CWP-17876-2018 (O&M)

ROZY PUNJANI ..Petitioner

Versus

MUNICIPAL CORPORATION FARIDABAD AND ORS.

..Respondents

6. CWP-13030-2018 (O&M)

SHAM LAL SHARMA

..Petitioner

Versus

MUNICIPAL CORPORATION FARIDABAD AND ORS.

..Respondents

7. CWP-12636-2018 (O&M)

BEERWATI

..Petitioner

Versus

MUNICIPAL CORPORATION FARIDABAD AND ORS.

..Respondents

8. CWP-12390-2018 (O&M)

SURESH KUMAR BHATIA

..Petitioner

Versus

MUNICIPAL CORPORATION FARIDABAD AND ORS.

..Respondents

9. CWP-12436-2018 (O&M)

KESAR SINGH RAWAT

..Petitioner

Versus

MUNICIPAL CORPORATION FARIDABAD AND ORS.

..Respondents

10. CWP-12437-2018 (O&M)

KAMLESH RANI

..Petitioner

Versus

MUNICIPAL CORPORATION FARIDABAD AND ORS.

..Respondents

11. CWP-12438-2018 (O&M)

MANJU GOLA

..Petitioner

Versus

MUNICIPAL CORPORATION FARIDABAD AND ORS.

..Respondents

12. CWP-12439-2018 (O&M)

BABITA RANI

..Petitioner

Versus

MUNICIPAL CORPORATION FARIDABAD AND ORS.

..Respondents

13. CWP-9682-2018 (O&M)

ANIL KUMAR GARG

..Petitioner

Versus

MUNICIPAL CORPORATION FARIDABAD AND ORS.

..Respondents

14. CWP-17952-2018 (O&M)

DARSHANA DEVI

..Petitioner

Versus

MUNICIPAL CORPORATION FARIDABAD AND ORS.

..Respondents

15. CWP-12435-2018 (O&M)

RAJ BALA

..Petitioner

Versus

MUNICIPAL CORPORATION FARIDABAD AND ORS.

..Respondents

16. CWP-12440-2018 (O&M)

MEENU PAHUJA

..Petitioner

Versus

MUNICIPAL CORPORATION FARIDABAD AND ORS.

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Sanyam Malhotra, Advocate
for the petitioners. (in CWP-10350, 12636, 9682, 17876, 17952,
17959 and 9723 of 2018)

Mr. Ritesh Aggarwal, Advocate
for the petitioners. (in CWP-12390, 12436, 12437, 12438,
12439, 12772 and 13030 of 2018)

Mr. Naveen S. Bhardwaj, Advocate
for the petitioners.

Mr. Tarun Singla, Advocate, and
Mr. Sandeep Jain, Advocate
for respondent No.3.

Mr. Rajesh K. Sheoran, Advocate
for Municipal Corporation.

Ms. Samridhi Sareen, Advocate

Mr. Anshul Jain, Advocate

Mr. Himanshu Garg, Advocate.

ANIL KSHETARPAL, J (Oral)

The hearing of the case was held through video conferencing on
account of restricted functioning of the Courts.

Through this order, 16 writ petitions (details whereof are given in the beginning of the judgment), involving identical issues shall stand disposed of. The petitioners in these petitions had constructed the building without getting permission to use the land for another purpose (change of land use) and prior sanction of building plans from the Municipal Corporation, Faridabad.

The petitioners, after having purchased the respective plots, have carried out the construction without seeking prior permission as required under the Haryana Municipal Corporation Act, 1994. The petitioners have been given repeated opportunities by the authorities to demolish the same. However, the petitioners have been delaying the matter. Sh. Rajesh K. Sheoran, learned counsel for the Corporation, has submitted that the illegal buildings belonging to all the petitioners have already been demolished.

The only argument put forth by learned counsel representing the petitioners in various writ petitions is that the Haryana Government has come out with a policy for compounding all the constructions carried out without sanction of the building plan and the petitioners have applied thereunder.

On the other hand, learned counsel representing the Corporation has informed the Court that the petitioners have not asserted this fact in the writ petition. He further submits that the petitioners have not even applied for compounding the constructions carried out without prior permission.

Once, it is established that the petitioners have constructed their building without prior approval of the building plan as well as prior permission to change the use of land, therefore, they do not deserve protection from the Constitutional Court.

Keeping in view the aforesaid facts, all the writ petitions are dismissed. However, if the petitioners apply for constructing fresh building after obtaining change of land use, the same shall be considered by the authorities in accordance with law.

All the pending miscellaneous applications, if any, are also disposed of.

27.09.2021

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)

JUDGE