

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

CWP-21606-2021 (O&M)

Date of decision: 27.10.2021

Sukhjit Singh and others

...Petitioners

Versus

Executive Officer, Municipal Council, Ambala Cantt. and another

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. N.P.S.Kohli, Advocate for the petitioner

Mr. Rohit Arya, DAG, Haryana

ANIL KSHETARPAL, J (Oral)

The petitioners pray for a writ in the nature of Mandamus to direct respondent no.1-Executive Officer, Municipal Council, Ambala Cantt. to decide their representations dated 24.09.2021 and 27.09.2021. The petitioners claim to be owners of the different parcels of land. They claim that after the approval of the building plan by the Municipal Council, Ambala Cantt., they started the construction process when the notice under Section 208 of the Haryana Municipal Act, 1978 was issued to them on 17.09.2021. Thereafter, vide a notice dated 22.09.2021 issued under Section 208-A of the Haryana Municipal Act, 1978, the buildings which were under the construction process were put under seals. The petitioners claim that they want to bring their buildings in conformity with the approved plan. In the notices referred to above, the Municipal Council alleges that the buildings are being constructed without leaving front and rear setbacks. It is alleged that the petitioners

have covered 100% of the plot area.

The petitioners are alleged to have submitted representations to respondent no.1 with a prayer to remove the seals and permit them to construct the buildings in accordance with the approved plan. The petitioners claim that as per Section 208-A (2) the Executive Officer is entitled to allow an opportunity to the owners to bring the construction process of the buildings in conformity with the sanctioned building plan.

Keeping in view the aforesaid facts, it is considered appropriate to request respondent no.1 i.e Executive Officer, Municipal Council, Ambala Cantt. to pass a speaking order on the representations submitted by the petitioners at the first instance.

Keeping in view the aforesaid facts, the writ petition is disposed of by directing respondent no.1 - Executive Officer, Municipal Council, Ambala Cantt., to take a final decision on the representations i.e Annexure P-5 and P-6, in accordance with law, after granting opportunity of hearing to the petitioners within a period of one month from the date of receipt of the certified copy of this order.

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

27.10.2021

rekha

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE