

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

117

CWP-24440-2021

Date of decision:06.12.2021

BIMLA YADAV AND ORS

...Petitioners

Versus

STATE OF HARYANA AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

**Present: Mr. Karan Kaushal, Advocate, for the petitioners.
Mr. Samarth Sagar, Additional Advocate General, Haryana**

ANIL KSHETARPAL, J (Oral)

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

Through this writ petition, the petitioners pray for issuance of a writ in the nature of certiorari to quash the order dated 11.09.2020 (Annexure P-7) and an order dated 07.09.2021(Annexure P-9), whereby the building has been ordered to be sealed.

The petitioners claim that they had constructed a building in an unauthorized colony and thereafter, on payment of the development charges, the building plan was sanctioned.

On 02.12.2021, Mr. Samarth Sagar, Additional Advocate General, Haryana, representing the Municipal Corporation, Gurugram, was requested to take complete instructions.

Today, after getting instructions from Sh. Dalip Yadav, Assistant Engineer-2 (Enforcement), Municipal Corporation, Gurugram, Mr. Sagar has stated that the petitioners had carried out a massive construction without getting the site plan approved and had constructed a commercial building, although, it is not permitted as per the rules. He submitted that the

construction of the building is not compoundable i.e. it cannot be approved. He further submitted that the Municipal Corporation plans to demolish the unauthorised building after granting an opportunity of hearing to the petitioners.

Keeping in view the aforesaid facts, it is considered appropriate to dispose of the writ petition while directing the officer of the Municipal Corporation to grant an opportunity of hearing to the petitioners before passing any further order with respect to the demolition of the building. The petitioners shall be at liberty to file their representation by taking all the defences put forth in the present writ petition.

It is expected that the competent authority shall pass a speaking order after analyzing the plea of the petitioners, if any. It is also observed that the order of demolition, if any, passed shall not be implemented for a period of 15 days, so as to enable the petitioners to file an appeal or writ petition as may be maintainable.

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

December 06, 2021
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No