

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

CWP No.22767 of 2020

Date of decision : January 05, 2021

Joginder Lal

..... Petitioner

Versus

State of Haryana and others

..... Respondents

(IN VIRTUAL COURT)

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present:- Mr. Rahul Sharma-I, Advocate for the petitioner.

RAJBIR SEHRAWAT, J. (ORAL)

Petitioner is seeking issuance of a writ of mandamus directing the officials of the Municipal Corporation, Faridabad to demolish the illegal construction being raised by respondents No.5 to 8 in clear violation of the provisions of the Haryana Municipal Corporation Act, 1994 read with the Haryana Building Code, 2017.

A bare perusal of the paper book shows that the petitioner has already filed a civil suit for restraining the respondents from raising construction without getting the plan sanctioned from the authorities; with a further prayer for decree for permanent injunction mandating the respondents No.5 to 8 against encroaching upon the government plot. The prayer made in the present petition, as well as, in the civil suit are overlapping. Therefore, this Court does not find it appropriate to interfere in the present petition.

Accordingly, the present petition is dismissed.

However, the petitioner would be at liberty to raise all the pleas legally available to him in the civil suit; which is already pending before the Civil Judge (Sr. Divn.), Faridabad.

(RAJBIR SEHRAWAT)
JUDGE

January 05, 2021

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Whether speaking / reasoned	Yes
Whether Reportable:	No