

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP-98-2022

Date of Decision: 06.01.2022

Krishna Devi @ Rekha Rani and others

....Petitioners

VS

State of Haryana and others

....Respondents

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Jagdish Manchanda, Advocate
for the petitioners

SUDHIR MITTAL, J. (Oral)

The petitioners have been issued a show cause notice dated 13.02.2019 (Annexure P-10) under the Haryana Evacuee property Management and Disposal Act, 2008 (hereinafter referred to as the Act). Reply dated 09/10.04.2019 has been submitted thereto but no proceedings have taken place under the provisions of the Act. Without taking any proceedings, the respondents are now proceeding to demolish the property in dispute as is evident from the photographs annexed at page No.107.

It has been submitted that the action of demolishing the properties in dispute without conducting any proceedings under the provisions of the Act, is illegal and without jurisdiction. The petitioners have raised a number of points, which are required to be dealt with before the order of eviction/demolition can be passed.

Notice of motion.

Mr. Rajneesh Chadwal, AAG Haryana accepts notice on behalf of the respondents and waives service.

Considering the nature of the order being passed, there is no necessity to file reply.

The writ petition is disposed of with a direction to respondent No. 2 to consider the reply dated 09/10.04.2019 (Annexure P-11) in accordance with law. Proceedings shall be held under the provisions of aforementioned Act and an opportunity of hearing shall be granted to the petitioners before any order is passed. Till the passing of such an order, eviction/demolition of the property in dispute shall remain stayed.

06.01.2022
Poonam Negi

(SUDHIR MITTAL)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable :	Yes/No