

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

Sr. No.204

**Civil Writ Petition No.1098 of 2022
Date of Decision : January 31, 2022**

Vijay Kumar

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Amit Jain, Advocate, for the petitioner.

Mr. Baldev Raj Mahajan, Senior Advocate with
Ms. Nikita Goel, Advocate,
for respondents No.3 & 4.

SUDHIR MITTAL, J. (ORAL)

Record has been produced in original.

This petition has been filed challenging order dated 05.11.2018 passed by the Municipal Corporation, Gurugram ordering demolition of the property in dispute as well as the Appellate order dated 16.12.2021 passed by the Commissioner, Gurugram Division, whereby appeal has been dismissed and order of demolition has been upheld.

The case of the petitioner is that appeal was decided without granting an opportunity of hearing.

Learned Senior counsel for respondents No.3 & 4 submits that impugned orders may be set aside and the matter be remanded to respondent No.3 for fresh decision in accordance with law.

Thus, the writ petition is allowed. Impugned orders dated 05.11.2018 and 16.12.2021 are set aside. Matter is remitted to Municipal Corporation, Gurugram to proceed further from the stage of filing reply to

show cause notice under Section 261(1) of the Haryana Municipal Corporation Act, 1994.

The petitioner is directed to appear before the competent authority of Municipal Corporation, Gurugram on 14.02.2022 at 10.00 AM on which date he shall file his reply to the show cause notice. Thereafter, proceedings shall be conducted in accordance with law.

Record in original be returned.

January 31, 2022

Ankur

**(SUDHIR MITTAL)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No