

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

106

CWP-2232-2020

Date of decision:18.10.2022

Santra

...Petitioner

Versus

State of Haryana and others

...Respondents

**CORAM : HON'BLE MR. JUSTICE HARINDER SINGH SIDHU
HON'BLE MR. JUSTICE LALIT BATRA**

Present: Mr. Jagmohan Ghuman, Advocate for the petitioner.

Ms. Tanisha Peshawaria, DAG, Haryana.

HARINDER SINGH SIDHU, J.

Petitioner has assailed order dated 20.04.2018 (P.3) whereby the District Town Planner (Enforcement) Gurugram while exercising the powers of the Director, Town and Country Planning, Chandigarh directed to restore the land in question to its original state including demolition of unauthorized building/construction within a period of 7 days from the date of issue of this order. Petitioner filed an appeal there against, which has been dismissed vide order dated 14.11.2019 (P.4).

The primary contention of the petitioner is that the construction raised by the petitioner is near Shankar Ki Dhani in the revenue estate of Village Bhora Kalan, District Gurugram. It is not an urban area and thus falls outside the ambit of Haryana Development and Regulation of Urban Areas Act, 1975 (for brevity "the Act"). This point was argued before the learned Appellate Authority. However, the point appears to have escaped the attention of the Appellate Authority, who has

without dealing with the same affirmed the order of the District Town Planner (Enforcement) Gurugram.

Accordingly, without in any way commenting anything upon the merits of the case, order dated 14.11.2019 (P.4) is quashed and the matter is remitted back to the Principal Secretary, Government of Haryana, Town and Country Planning Department, Haryana to pass an order afresh, in accordance with law, dealing specifically with the plea of the petitioner that the place where the constructions is raised is in an area that is not governed by the Act.

Petition stands disposed of.

Till an order is passed by the Appellate Authority, demolition of the construction shall remain stayed.

(HARINDER SINGH SIDHU)
JUDGE

(LALIT BATRA)
JUDGE

18.10.2022
rashmi

1. Whether reportable?
2. Whether reasoned / speaking?

Yes / No
Yes / No