

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

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**CWP-2954-2022(O&M)
Date of decision:17.02.2022**

PREM NATH GUPTA AND ANOTHER

...Petitioner

Versus

STATE OF HARYANA AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

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

ANIL KSHETARPAL, J (Oral)

The petitioners pray for issuance of a writ in the nature of certiorari to quash notice dated 13.01.2016 as well as orders dated 17.01.2020 and 23.12.2021, respectively.

The petitioner's building allegedly constructed without sanction of the building plan has been sealed by the Municipal Council, Narnaul. An appeal filed against the order of sealing the building has also been dismissed.

The sealing of a building is only a step towards the final order to be passed by the Municipal Council. The sealing of a building is not a final order. As per the provisions of the Haryana Municipal Act, 1973, the Municipal Council, Narnaul, is required to pass a final order after granting an opportunity to the parties.

In the present case, the building was ordered to be sealed on 17.01.2020. Hence, more than two years have elapsed.

Notice of motion.

On the request of this Court, Mr. Harsh Vardhan, Assistant

Advocate General, Haryana, accepts notice on behalf of respondent no.1 to 3 and Mr. Samarth Sagar, Additional Advocate General, Haryana, accepts notice on behalf of respondent no.4 to 6.

Keeping in view the aforesaid facts, it is considered appropriate to dispose of the writ petition by directing the Municipal Council, Narnaul, to pass a final order in accordance with law, after granting an opportunity to the parties, within a period of two months, from today.

Needless to observe that the petitioners shall be at liberty to assail the correctness of the order, which is going to be passed by the Municipal Council, Narnaul, if the need, so arises.

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

February 17, 2022
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No