

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

CWP No.6896 of 2020

Date of Decision: 05.09.2022

GPS School

.....Petitioner

Versus

State of Haryana and Ors.

.....Respondents

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

Present: Mr. Jagmohan Ghumman, Advocate for the petitioner.
Ms. Tanisha Peshawaria, DAG, Haryana.

HARINDER SINGH SIDHU, J

Petitioner has assailed order dated 20.04.2018 (P.2) whereby the District Town Planner (Enforcement) Gurugram while exercising the powers of the Director, Town and Country Planning, Chandigarh directed the demolition of the premises of the petitioner. The school is being operated and managed by Baba Mohan Ram Education Society (a registered society). 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 School is situated within the revenue estate of Village Bhora Kalan, Tehsil Pataudi, 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 specifically raised in the grounds of appeal filed by the petitioner. It was also 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 School is located 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 school shall remain stayed.

(Harinder Singh Sidhu)
Judge

September 05, 2022
manoj

(Lalit Batra)
Judge

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