

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

**CR-1515-2022 (O&M)
Date of decision : 24.05.2022**

Sonia

... Petitioner(s)

Versus

MC Naya Gaon, SAS Nagar and Another

... Respondent(s)

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. G.S. Bal, Senior Advocate with
Mr. D.S. Gill, Advocate for the petitioner.

Mr. D.S. Randhawa, Advocate for respondent No.1.

Mr. K.S. Sidhu, Advocate for respondent No.2.

ALKA SARIN, J. (ORAL)

Learned counsel for respondent No.1 - MC Naya Gaon - states that the suit for injunction is not maintainable inasmuch as show cause notice dated 27.08.2020 (Annexure P-9) was issued to the petitioner under Section 195-D of the Punjab Municipal Act, 1911 (hereinafter referred to as the 'Act') against which a statutory appeal is maintainable under Section 195 read with Section 225 of the Act. Learned counsel for respondent No.1 further states that instead of availing the alternative remedy of the statutory appeal, the present suit was preferred. In support of his arguments, learned counsel has relied upon the judgments of this Court in the cases of **Raghibir Singh Vs. State of Punjab & Ors. [2004(3) RCR (Civil) 152]; Municipal Council, Kharar Vs. A.P.J. Public School & Anr. [2015(46) RCR (Civil)**

287]; and Municipal Committee Vs. Om Parkash & Anr. [2010(3) RCR (Civil) 502].

Confronted with the same, learned counsel for the petitioner, on instructions, states that he would be withdrawing the main suit itself and would file an appeal challenging the show cause notice dated 27.08.2020 (Annexure P-9). He, however, prays that the petitioner may be given protection for a period of two weeks i.e. till such time as the appeal is preferred by her. This Court finds it to be a fair request.

In view of the statement made by learned counsel for the petitioner, the present revision petition is disposed off. However, no demolition shall be carried out for a period of two weeks from the date of passing of this order. Meanwhile, the petitioner would be at liberty to file a statutory appeal in accordance with law.

Disposed off accordingly. Pending applications, if any, also stand disposed off.

24.05.2022
Yogesh Sharma

(ALKA SARIN)
JUDGE

NOTE : Whether speaking/non-speaking : Speaking
Whether reportable : YES/NO