

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

Sr. No.110

**Civil Writ Petition No.11279 of 2022 (O&M)
Date of Decision : August 03, 2022**

Deepak Gulati and another

...Petitioners

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Ms. Sonia G. Singh, Advocate, for the petitioners.

SUDHIR MITTAL, J. (ORAL)

CM-11574-CWP-2022

This application has been filed for placing on record Annexure P-23.

For the reasons stated in the application, the same is allowed and annexure aforementioned is taken on record.

CWP-11279-2022

The petitioners have constructed a part residential and part commercial building without getting the necessary building plan sanctioned. Thus, show cause notices were issued and since no reply was received within the stipulated time order of sealing has been passed. Appeal against the order has been dismissed and thus, the present writ petition has been filed.

Learned counsel for the petitioners submits that Section 208-A of the Haryana Municipal Act, 1973 authorizes the Executive Officer or Secretary of the Municipal Council/Committee to order de-sealing to

permit the owner to bring the building in conformity with the sanctioned building plan. Thus, the impugned orders may be set aside and the petitioners be permitted to bring the building in conformity with the sanctioned building plan.

The submission cannot be accepted as the petitioners have not made any request to the appropriate authority for de-sealing of the premises for the purpose of bringing it in conformity with the sanctioned building plan. Thus, learned counsel for the petitioners prays for withdrawal of the writ petition with liberty to the petitioners to make a representation under Section 208-A of the Haryana Municipal Act, 1973. In case, such a representation is made, the same shall be decided within four weeks from the date of receipt thereof.

August 03, 2022

Ankur

**(SUDHIR MITTAL)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No