

CWP-12301-2022

Date of Decision: 31.05.2022

Jitender Kumar Bansal

....Petitioner

VS

State of Haryana and others

....Respondents

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present:- Mr. R. Kartikeya, Advocate with
 Ms. Ridhi Bansal, Advocate and Ms. Sidhi Bansal, Advocate
 for the petitioner
 Mr. Samarth Sagar, Addl. A.G. Haryana

SUDHIR MITTAL, J. (Oral)

The petitioner runs a small workshop from a plot situate in a locality known as Kadipur Industrial Area. Notice dated 13.08.2020 was issued to him for raising unauthorized construction in contravention of Section 250 of the Haryana Municipal Corporation Act, 1994 (hereinafter referred to as 'the Act'). After receipt of reply and finding the same unsatisfactory order of demolition was passed. Appeal against the order has been dismissed.

Learned counsel for the petitioner submits that Section 250 of the Act prohibits erection of a building without sanction. Since the building was already in existence sanction was not needed and, thus, the impugned orders are illegal.

The argument can not be accepted as it is based on an erroneous reading of the aforementioned provision. The provision states that any of the works specified in Section 252 of the Act will not be executed without previous sanction. Section 252 of the Act relates to making of alterations, repairs and reconstruction also. The petitioner having reconstructed the workshop in dispute previous sanction was essential.

In view of the above, the writ petition has no merit and is dismissed.

31.05.2022

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(SUDHIR MITTAL)
JUDGE

Whether speaking/reasoned
 Whether Reportable :

Yes/No
 Yes/No