

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

208

**CWP-18828-2016 (O&M)
Date of Decision: 15.12.2022**

HARIBHAN SINGH

... Petitioner

VERSUS

MUNICIPAL CORPORATION PANCHKULA AND ORS

... Respondents

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ.

Present: Mr. Mandeep Nagpal, Advocate
for the petitioner.

Mr. Aman Bahri, Advocate for respondent No.1.

Mr. Adarsh Jain, Advocate with
Ms. Kamaldeep Kaur, Advocate
for respondent No.4.

Mr. Pankaj Mulwani, DAG, Haryana.

VINOD S. BHARDWAJ, J. (ORAL)

The present petition has been filed under Articles 226/227 of the Constitution of India, 1950 for issuance of a writ in the nature of Mandamus directing the respondent No.1–Municipal Corporation, Panchkula to demolish the multi-storey flats constructed by the respondent No.4 in an unauthorized manner in Khasra No.333/157 and 161 adjoining the Court Complex Panchkula and to restore the above land to its original nature i.e. as a park and greenery.

Vide order dated 11.11.2022, the Commissioner, Municipal Corporation, Panchkula had been directed to remain present in the Court to explain the reasons of inordinate delay in complying with the Mandate of Law considering that the notice under Section 261 and 262 of the Municipal Corporation Act, 1994 had been issued in January 2020.

Pursuant to that order, Virender Lather, I.A.S., Commissioner, Municipal Corporation, Panchkula has come present in Court. It has been apprised that after the aforesaid aspect was brought to his notice, an order was passed on 05.12.2022 directing sealing of the premises in exercise of the power conferred under Section 263-A of the Haryana Municipal Corporation Act,

1994. The respondent No.4 – Jainendra Gurukul has thereafter preferred a statutory appeal before the Divisional Commissioner and an interim order granting stay against the sealing has already been passed. However, it has been undertaken by the Commissioner, Municipal Corporation, present in Court, that final order under Section 261 of the Haryana Municipal Corporation Act, 1994 shall be passed expeditiously and preferably within a period of three months from today after affording opportunity to the respective parties.

In view of the above, the counsel for the petitioner contends that he does not wish to press the instant petition at this stage.

The present petition is accordingly disposed of as not pressed at this stage.

The Commissioner, Municipal Corporation, Panchkula shall, however, remain bound by his statement so made hereinabove and a final order on the notices issued under Sections 261 and 262 of the Municipal Corporation Act, 1994 shall be passed within the period as stated above after affording an opportunity of hearing to the respective parties.

Petition stands disposed of accordingly.

15.12.2022.
rajender

(VINOD S. BHARDWAJ)
JUDGE

Whether speaking/reasoned : *Yes/No*

Whether reportable : *Yes/No*