

LPA No.663 of 2022 (O&M)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

LPA No.663 of 2022 (O&M)

Date of decision : 10.08.2022

Mam Chand

.....Appellant

VERSUS

State of Haryana and others

....Respondents

CORAM:- HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH
HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Deepanshu Matya, Advocate
for the applicant – appellant.

AUGUSTINE GEORGE MASIH, J. (ORAL)

CM-1533-LPA-2022

Leave granted.

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Present is an appeal which has been preferred against the order passed by the learned Single Judge, dated 06.08.2022, whereby the writ petition preferred by the petitioner/appellant alleging demolition of the property of which he is one of the proprietors has been carried out without any order.

The factum of notice having been issued to the petitioner/appellant is not in dispute. It is also not disputed that the property, which is the subject matter of the present appeal, is very much an issue pending before the Hon'ble Supreme Court in Special Leave to Appeal (Civil) CC No.10892 of 2012, titled as 'Rajender Kumar Vs. State of

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Haryana and others', where, after condoning the delay vide order dated 09.07.2012 (Annexure P-7), the Hon'ble Supreme Court had issued notice and both the parties have been directed to maintain the status quo prevailing on that date in the meantime. It is also not in dispute that a contempt petition has also been filed before the Hon'ble Supreme Court and is now pending consideration as the same has not yet been listed.

The learned Single Judge has concluded by stating that the writ petition has been filed where the prayer is in the nature of seeking an injunction as directions have been sought against the Municipal Corporation, Gurugram, for restraining them to carry out any further demolition.

In the light of the facts and circumstances as has been observed while passing the impugned order dated 06.08.2022 in the writ petition as also keeping in view the fact that the contempt petition has already been preferred, the learned Single judge had rightly observed that the writ petition would not be maintainable. We are also of the same view and therefore, do not find any ground for interfere with the order passed by the learned Single Judge. The appeal, therefore, stands dismissed.

(AUGUSTINE GEORGE MASIH)
JUDGE

10.08.2022

Harish

(SANDEEP MOUDGIL)

JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No