

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

Sr. No.126

**Civil Writ Petition No.28676 of 2022
Date of Decision : December 12, 2022**

Kamla Devi and another

...Petitioners

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. L.K. Gollen, Advocate, for the petitioners.

SUDHIR MITTAL, J. (ORAL)

The grievance of the petitioner is that a notice dated 06.12.2022 under Section 208 of the Haryana Municipal Act, 1973 has been issued for having illegally raised some construction without taking permission from the Municipal authorities and only 7 days time has been given for showing cause thereagainst. Allegedly, the notice has been issued on account of mala fides.

A perusal of the notice shows that some order has been issued by the District Administration pursuant to which the said notice has been issued. The said directions are not on record. An order of demolition cannot be passed unless and until an opportunity of hearing has been granted to the petitioner. Thus, the petitioner should have filed a reply to the show cause notice instead of rushing to this Court.

The writ petition is thus disposed of with directions permitting the petitioner to file a reply by 16.12.2022. Till the reply is filed, no order of demolition shall be passed.

December 12, 2022

Ankur/neetika

**(SUDHIR MITTAL)
JUDGE**

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No