

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

228

CWP-34936-2019 (O&M).

Date of Decision: 19.04.2022.

Bhana Devi

....Petitioner.

Versus

State of Haryana and others

....Respondents.

**CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH
HON'BLE MR. JUSTICE LALIT BATRA**

Present: Mr. Suresh Kumar Kaushik, Advocate for the petitioner.

Mr. Deepak Bhardwaj, Deputy Advocate General, Haryana.

Mr. Arshad Ali, Advocate for
Mr. Lokesh Sinhal, Advocate for respondents No.3 and 6.

Mr. S.K. Tripathi, Advocate for respondent No.7.

Amol Rattan Singh, J. (Oral)

CM-18400-CWP-2021

Vide this application, the petitioner in the accompanying petition seeks to withdraw the petition itself, with the following order having been passed by this court on 10.12.2021:-

“We find that in the main writ petition the petitioner had alleged unauthorised and illegal construction at the hands of private respondent No.7 and in violation of the provisions of the Punjab Scheduled Roads and Controlled Areas Restriction of Unregulated Development Act, 1963 as also the Haryana Development and Regulation of Urban Areas Act, 1975.

Withdrawal is being sought on the basis that the matter has been amicably settled.

We are of the view that in case the construction made by respondent No.7 is indeed in violation of certain statutory provisions, how can a settlement arrived at between the private parties, if at all, lend any legitimacy to the alleged construction.

List the instant application along with the main case.

Mr. Aman Bahri, learned Addl.AG, Haryana is directed to complete instructions in the matter.”

Learned counsel for the petitioner today reiterates that the petitioner no longer wishes to pursue the petition.

Obviously, the petition being one of which the petitioner would be the master of, we would not refuse such withdrawal but we make it absolutely clear that withdrawal of the writ petition and any settlement reached between the petitioner and respondent No.7 would not in any manner bar any action to be taken against the persons concerned including the petitioner and respondent No.7, for violation of any statutory provision; and any authority, whether a party to the writ petition or not, as would be aggrieved by such violation, would be at liberty to take all action as is required as per law, against the violator.

Application stands disposed of.

Main Case

Dismissed as withdrawn.

(AMOL RATTAN SINGH)
JUDGE

(LALIT BATRA)
JUDGE

19.04.2022

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Whether speaking/ reasoned : Yes/ No
Whether Reportable : Yes/ No