

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

120

Civil Writ Petition No.3576 of 2023
Date of Decision: February 21st, 2023

Gian Singh Dagar

...Petitioner

Versus

State of Haryana and another

...Respondents

**CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH
HON'BLE MR. JUSTICE VIKRAM AGGARWAL**

Present: Mr. Lokesh Ahlawat and Ms. Palak Dev, Advocates
for the petitioner.

Mr. Pravindra S. Chauhan, Advocate
for HSVP.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Petitioner had asserted in the writ petition that although under the HSVP Act, there is a provision for filing an appeal against the order passed under Section 18 before the competent authority to be notified as provided under Section 20 of the said Act. The competent authority is not available for consideration of the appeal.

2. Counsel for the State has informed the Court that Zonal Administrator has been appointed the Appellate Authority as per the notification. As of now the Administrator, Faridabad, is exercising the power of the Appellate Authority qua Administrator, Gurugram as none is posted there.

3. Counsel for the petitioner, therefore, prays for withdrawal of the writ petition with liberty to avail of the statutory remedy before the Administrator, Faridabad. He submits that as per the notice, which has been received for demolition of H.No.297, Khasra No.6/24/2, Rajeev Colony, Rupa Naharpur Gaon, Gurugram, is likely to be executed with the demolition to be carried out tomorrow.

Keeping in view the above notice, with the statutory appeal

being available to the petitioner, the prayer made by the counsel for the petitioner is accepted.

5. In case the petitioner moves an appropriate appeal within a period of one week from today, the competent authority i.e. the Administrator, HSVP, Faridabad, shall proceed to decide the appeal in accordance with law.

6. Till the period of one week and till an order is passed by the Appellate Authority on an application for stay of demolition, further proceedings against the petitioner shall be kept in abeyance.

7. The writ petition stands disposed of in above terms.

**(AUGUSTINE GEORGE MASIH)
JUDGE**

February 21st, 2023
Puneet

**(VIKRAM AGGARWAL)
JUDGE**

Whether speaking/reasoned: Yes

Whether Reportable: No