

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CWP-5140-2023

Date of decision : 17.03.2023

Smt.Bhoori and another

... Petitioners

Versus

State of Haryana and others

... Respondents

CORAM: HON'BLE MR.JUSTICE VIKAS BAHL

Present: Mr. Radhe Shyam Sharma, Advocate
for the petitioners.

Ms.Upasana Dhawan, AAG, Haryana
for respondents no.1 to 3.

Mr.Mahavir, Secretary, respondent no.4 in person.

VIKAS BAHL, J.(ORAL)

This is a civil writ petition filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of mandamus directing respondent no.4 to withdraw the impugned notice no.139/41 MCJ dated 13.02.2023 under Section 120 issued by respondent no.4 with respect to house in which the petitioners are residing.

On 15.03.2023, this Court was pleased to pass the following order:-

“Learned State counsel is directed to get instructions in the matter.

Adjourned to 17.03.2023.

Till 17.03.2023, the respondents are restrained from demolishing the construction raised by the petitioners.

Learned counsel for the petitioners is also directed to get the photographs of complete residential house.

15.03.2023”

Respondent no.4-Mahavir Singh, Secretary is present in the Court and has submitted that the petitioner has demolished the upper portion of the house and thus, now there is no danger to the neighbours with respect to the house in question. It is submitted that notice dated 13.02.2023 issued to the present petitioner has been withdrawn. It is further submitted that in case any further action is required to be taken, then the same would be taken, in accordance with law, after giving due notice and opportunity of hearing to the owner as well as the petitioners who are in possession of the property.

Learned counsel for the petitioners has submitted that in view of the statement made by respondent no.4, the present petition has been rendered infructuous but the respondent would be bound by the statement given by respondent no.4.

Keeping in view the above said facts and circumstances, the present petition is disposed of as having been rendered infructuous. The State would be bound by the statement made by respondent no.4.

(VIKAS BAHL)
JUDGE

March 17, 2023
Davinder Kumar

Whether speaking / reasoned	Yes/No
Whether reportable	Yes/No