

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

(111)

CWP-10484-2023

Date of decision: - 18.05.2023

Navrattan Mal @ Navrattan Bhardwaj

....Petitioner

Versus

State of Haryana and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. B.K. Bagri, Advocate,
for the petitioner.

Ms. Rajni Gupta, Additional Advocate General, Haryana
for the respondents.

VIKAS BAHL, J. (ORAL)

1. This writ petition has been filed under Articles 226/227 of the Constitution of India for the issuance of a writ in the nature of certiorari for quashing the most urgent notice dated 09.05.2023 (Annexure P-20) vide which respondent No.3 had directed the petitioner to shift into the newly constructed shop. A further prayer has been made with respect to direction to the respondents to get registry of the shop in question.

2. Learned counsel for the petitioner at the outset has submitted that the petitioner has already shifted into the new shop and thus, he does not want to press his prayer for quashing of the notice dated 09.05.2023 (Annexure P-20). It is further submitted that the petitioner is making a limited prayer to the effect that since as per the petitioner the newly

constructed shop, which has been allotted to the petitioner is not in accordance the Haryana Building Code, 2017, the petitioner be permitted to make the shop as per the Haryana Municipal Building Bye-Laws, 1982 and the Haryana Building Code, 2017 so that the same is safe. It is further submitted that for making the necessary changes/alteration in accordance with law, the petitioner himself would bear the required expenses. It is stated that the petitioner be permitted to make a representation to respondent No.3 on the said limited aspect and respondent No.3 be directed to consider the said representation in accordance with law.

3. Learned State counsel appearing on behalf of the respondents has submitted that in case any such representation is given by the petitioner to respondent No.3 on the said limited aspect, the same would be considered by respondent No.3 in accordance with law.

4. Keeping in view the above-said facts and circumstances, the present writ petition is disposed of with the following directions: -

- (i) It would be open to the petitioner to make a representation to respondent No.3 on the said limited aspect that the petitioner be permitted to make alteration/changes to the shop which has been allotted to him.
- (ii) In the said representation, the petitioner would give details as to what alternation/changes are to be made in the said shop and would also support the same with a map so as to clearly indicate the alteration which the petitioner desires to make.
- (iii) Petitioner in the said representation should specifically state that he is ready to bear the expenses for the said alternation/changes.
- (iv) Respondent No.3, on the receipt of the said representation, would consider the said representation and in case respondent No.3 is of the opinion that the pleas raised by the

petitioner are meritorious and in accordance with the Haryana Building Code, 2017, then, the necessary permission be granted to the petitioner as expeditiously as possible.

- (v) In case respondent No.3 is of the opinion that the said changes/alteration cannot be permitted and the pleas raised by the petitioner are not meritorious, then, a speaking order be passed in the said regard within a period of six weeks from the date the said representation is given by the petitioner.

5. It is made clear that this Court has not opined on the merits of the case and respondent No.3 would consider and decide the matter independently, in accordance with law.

May 18, 2023
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No