

In the High Court of Punjab and Haryana, at Chandigarh

1.

Civil Revision No. 3068 of 2023
- Raj Kumar and Another

... Petitioner(s)
- Versus
- Municipal Corporation, Gurugram

... Respondent(s)
- AND
2.

Civil Revision No. 3236 of 2023
- Narender Singh

... Petitioner(s)
- Versus
- Municipal Corporation, Gurugram

... Respondent(s)

DATE OF DECISION: 17.10.2023

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. Sudhir Aggarwal and Mr. Ishan Aggarwal, Advocates
for the petitioners (In CR-3068-2023).

Ms. Tanika Goyal, Advocate
for Mr. Kunal Dawar, Advocate
for the petitioner (In CR-3236-2023).

Mr. Baldev Raj Mahajan, Senior Advocate
with Mr. Arvind Seth and Ms. Nikita Goel, Advocates
for the respondent.

Anil Kshetarpal, J.

1.

These two connected revision petitions have come up for final disposal.
2.

The show cause notice issued by the Municipal Corporation, Gurugram, under Section 408(B)(1)(b) of Haryana Municipal Corporation Act, 1994 (hereinafter referred to as “the 1994 Act”) has been challenged by filing a suit for the grant of decree of declaration.

**Civil Revision No. 3068 of 2023 AND
Civil Revision No. 3236 of 2023**

3. The learned counsel representing the petitioners, in both the cases, submit that the plaintiffs have an alternative remedy of filing an appeal against the aforesaid show cause notice under Section 408(B) of the 1994 Act. They further submit that the petitioners are interested in availing the statutory remedy provided the demolition of the building is stayed for a period of ten days.

4. The learned senior counsel representing the respondent submits that though, the appeal is required to be filed within a period of seven days from the date of receipt of a show cause notice, however, let the petitioners file the appeal within a period of seven days from today. He has no objection if the interim order, already passed, is ordered to be continued for a period of the next ten days.

5. Keeping in view the aforesaid consensus, arrived at between the parties, both the revision petitions are disposed of with the observation that the petitioners shall be at liberty to file an appeal under Section 408(B) of the 1994 Act within a period of one week from today. The interim order, already passed in favour of the petitioners, shall continue to operate for a period of next ten days. The Appellate Authority shall decide the prayer for injunction as well as the appeal being uninfluenced by the order passed by this Court.

**(Anil Kshetarpal)
Judge**

October 17, 2023
“DK”

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No