

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-13022-2023

DATE OF DECISION: 03.07.2023

JAGESH KUMAR

.....PETITIONER

VS.

STATE OF HARYANA AND OTHERS

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE G.S. SANDHAWALIA
HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Ms. Veena Hooda, Advocate,
for the petitioner.

G.S.SANDHAWALIA, J. (ORAL)

1. The present petition has been filed under Article 226/227 of the Constitution of India directing the respondents to restrict respondent No. 6-Gram Panchayat, Girawar for constructing any building or erecting anything which is in violation of the provisions of the Haryana Scheduled Roads and Controlled Area Restriction of Unregulated Development Act, 1963 (for short 'the Act').

2. Learned counsel for the petitioner submits that the construction which is sought to be raised is adjacent to NH-334-B and therefore, there is a clear violation of the Act and in this regard, a legal notice-cum-representation (Annexure P-1) has already been sent to the Deputy Commissioner, Jhajjar (respondent No. 2).

3. Mr. Aman Bahri, Addl. A.G., Haryana, having an advance copy of the petition, placed on record a copy of the show cause notice, dated 26.06.2023, issued by the District Town Planner, Jhajjar (respondent

No. 3) under sub-Section (2) of Section 12 of the Act, whereby respondent No. 6 had been asked to bring the copy of the documents in respect of the defence regarding the alleged unauthorized construction.

4. Keeping in view the above, we are of the considered opinion that since the show cause notice has already been issued and it is pointed out by learned State counsel that the Gram Panchayat did not put in any appearance, the present petition has been rendered infructuous since the State has already initiated proceedings on the legal notice-cum-representation.

5. It is expected that the State shall take the said show cause notice to its logical end after complying with the provisions of the principle of natural justice.

6. Petition stands disposed of in view of the aforesaid facts and circumstances.

(G.S. SANDHAWALIA)
JUDGE

July 03, 2023
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(HARPREET KAUR JEEWAN)
JUDGE

Whether Speaking	Yes
Whether Reportable	No