

Ashwani Kumar and others

..... Petitioners

Versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Gaurav Tyagi, Advocate, for the petitioners.

Mr. Rajneesh Chadwal, Assistant Advocate General, Haryana.

Ms. Vasundhra Asija, Advocate for

Mr. P.S. Chauhan, Advocate, for respondent No.4.

Rajesh Bhardwaj, J. (ORAL)

Prayer in the present is for issuance of direction to the concerned authorities/respondents to stop the construction of the new outer boundary wall of the part/museum, being constructed in the place of the drain in the street in the area of Kot Mohalla, Sonipat, as the old outer boundary wall is already existing there.

It has been contended by learned counsel for the petitioners that the after coming to know about the filing of this petition, the respondents have issued notice to the petitioners.

However, on 16.08.2023 this Court directed the responsible officer from Municipal Corporation, Sonipat to be present in Court.

In pursuant to the same, Suresh Lohan, SDO, MC Panipat is present in person in Court. The Court has interacted with the officer. He has submitted before this Court that the allegations made by the petitioners are totally false and frivolous. He submits that it is rather the petitioners, who have encroached upon premises of the heritage building. He submits that on the earlier occasion, unauthorized construction was also demolished.

Learned counsel for respondent No.4 has drawn the attention of this Court to the reply filed and the photographs of the site. She has submitted that the contentions regarding the drain are also not factually correct as the same is used for draining out the water of heritage building. It is submitted that the allegations are totally beyond the factual possession and no damage is being caused to the houses of the petitioners by the alleged drain.

In view of the same, the Court does not find any merit in the present petition and the same is disposed of with liberty to the petitioners to avail their remedy as available to them under law.

23.08.2023

sharmila

(RAJESH BHARDWAJ)
JUDGE

Whether Speaking/Reasoned	:	Yes/No
Whether Reportable	:	Yes/No