

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

CWP-13763-2023

Date of Decision: 27.06.2023

Shila Devi and another

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present : Mr. Sanjiv Gupta, Advocate
for the petitioners.

HARSH BUNGER, J. (ORAL)

1. This petition has been filed by the petitioners for issuance of an appropriate writ, order or direction especially a writ in the nature of certiorari for quashing of the order dated 20.06.2023 (Annexure P-12) passed by the Joint Commissioner-cum-Competent Authority, Municipal Corporation, Karnal whereby an eviction order has been passed against the petitioners under Section 408-A (2) from the land in question (measuring 1K-0M out of land measuring 4K-13M having Khasra No.38//15/2, as per jamabandi for the 2014-15, situated within the revenue estate of village Phoosgarh Tehsil and District Karnal) with a further direction to vacate such premises/land or building/structure constructed thereon or demolish unauthorized construction and to restore to its original state or to bring it in conformity with the provisions of the Haryana Municipal Corporation Act 1994 or the rules framed there under within a period of 7 days of the issuance of the said order.

2. Learned counsel for the petitioners submits that the petitioners have availed their remedies of statutory appeal (Annexure P-14) against the above referred order dated 20.06.2023 before the Commissioner-cum-Competent Appellate Authority, Municipal Corporation, Karnal which is stated to be listed for hearing on 03.07.2023. It is submitted that in the said appeal, a prayer for stay of the impugned order dated 20.06.2023 has also

been made. Learned counsel for the petitioners contends that the authorities are bent upon to demolish the houses of the petitioners and in case the dispossession of the petitioners is not stayed, then the statutory appeal filed by the petitioners shall be rendered infructuous.

3. Notice of motion.

4. Mr. Rupinder Singh Jhund, Addl. A.G., Haryana accepts notice on behalf of the respondent/State of Haryana and states that the statutory appeal filed by the petitioners shall be heard on the date fixed in all probability.

5. In the aforementioned circumstances, this petition is disposed of with a direction that the petitioners may not be dispossessed from the land/property in question till the prayer of the petitioners for stay as made in the statutory appeal is considered and finally decided by the appellate authority, which is stated to be fixed for 03.07.2023. It is further directed that the prayer for stay made by the petitioners in the abovesaid statutory appeal filed by the petitioners be considered and decided on 03.07.2023 or any subsequent date as may be fixed by the appellate authority and not later than 4 weeks from today.

6. Since the main case is disposed of, pending application(s), if any, shall also stands closed.

7. Copy of this order be given to learned counsel for the petitioners under the signatures of Bench Secretary attached to this Court.

June 27, 2023

Himani

(HARSH BUNGER)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No