

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

(129)

**2023:PHHC:095206-DB
CWP-16028-2023
Date of Decision: 26.07.2023**

Charanjit Singh

--Petitioner

Versus

State of Punjab & others

--Respondents

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

Present:- Mr. Mohit Sharma, Advocate for petitioner.

G.S. SANDHAWALIA.J (Oral)

1. The relief claimed in the present petition filed under Article 226/227 of the Constitution of India is for issuance of a writ in the nature of Certiorari for quashing the impugned official order dated 19.7.2023 (Annexure P-6) issued by the Additional Chief Administrator, Bathinda Development Authority, whereby orders have been issued to demolish the temporary iron railings in front of the petitioner's house without issuing any legal notice or providing opportunity of hearing.
2. The grouse of the petitioner is that no legal notice has been issued to him before passing the said order which is a general order to remove encroachment from the site of Urban Estate Phase 1, 2, 3, 4, 5 Nirvana Estate and Milk Plant side Bathinda. Reference is made to the order passed in ***CWP-1784-2023 (Navpinder Pal Singh Sidhu Vs. State of Punjab and others)*** decided on 9.2.2023 (Annexure P-7), wherein a similar issue arose and petitioner was given an opportunity of hearing before passing a speaking order and then resort was to be taken for demolition. The relevant portion of the said order reads as under:-

“In the light of the above, the present petition is disposed of, without commenting upon the merits of the case, with a direction to the Estate Officer, PUDA, Bathinda, to consider the reply (Annexure P-6) submitted by the petitioner in pursuance to the notice dated 13.12.2022 (Annexure P-5) and pass a speaking order thereon within a period of three weeks from today. The decision so taken be conveyed to the petitioner forthwith.

Till the decision is taken and conveyed to the petitioner, status quo as it exists today shall be maintained.”

3. Notice of motion.

4. On the asking of the Court, Mr. V.G. Jauhar, Addl. A.G., Punjab accepts notice on behalf of respondents.

5. Keeping in view the above, we are of the considered opinion that regarding demolition to be carried out regarding the house of the petitioner, let notice be issued to him and after giving him opportunity of hearing, a speaking order be passed in accordance with law.

(G.S. SANDHAWALIA)
JUDGE

26.07.2023
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(HARPREET KAUR JEEWAN)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No