

In the High Court of Punjab and Haryana at Chandigarh

**CWP No. 19164 of 2022
Date of Decision: 08.2.2023**

Balbir Singh

.....Petitioner

Versus

State of Haryana and others

....Respondents

**CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR
HON'BLE MR. JUSTICE KULDEEP TIWARI**

Present: Mr. Rohit Gupta, Advocate for
Mr. Amar Vivek Aggarwal, Advocate
for the petitioner .

Mr. Raman Sharma, Addl. A.G., Haryana.

SURESHWAR THAKUR, J. (ORAL)

1. The petitioner, who is an ex-serviceman has averred, that without adherence to the mandate of the relevant statutory provisions, the authorities concerned are proceeding to demolish the petitioner's house.

2. However, the above made argument, is not supported by any validly issued notice, upon the petitioner concerned, by the competent authority concerned, nor also there is any document suggesting, that despite a valid demarcation, being conducted of the relevant site, and, but its revealing that the construction of the residential house, on the petition land, was a lawful construction. Therefore, prima facie, it does appear, that the undertakings of demolishing(s), if any, of the residential house, as raised on the petition land by the petitioner, may not be of an unauthorized construction, nor could prima facie lawfully lead the authorities concerned, to take to demolish the same.

3. Nonetheless, in the larger interest of justice, without compliance

being meted by the authorities concerned, to the mandate of the relevant statutory provisions, the exercise of demolishing the unauthorized construction, yet has been espoused to be undertaken by the concerned, thereupon, the authorities concerned, are restrained from, without drawing lawful action for demolishing the purported unauthorized construction, hence proceeding to demolish such unauthorized construction.

4. In consequence, the instant petition is disposed of with a direction to the competent authority concerned, to in case there is no valid detection of any unlawful or unauthorized construction, on the petition land, thereupon to not undertake the exercise of demolishing the same, but may do so upon, making an adherence to the relevant statutory provisions.

(SURESHWAR THAKUR)
JUDGE

(KULDEEP TIWARI)
JUDGE

February 08, 2023
Gurpreet

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No