

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

**COCp-2313-2021 (O&M)
Date of decision: 25.07.2023**

Rakesh Dua

... Petitioner

Vs.

Mukesh Kumar Ahuja and ors.

... Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Deepanshu Matya, Advocate
for the petitioner.

Mr. Prateek Mahajan, Advocate and
Ms. Perna Malhotra, Advocate
for the respondents.

Mr. Pawan Kumar Longia, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (ORAL)

The petitioner alleges violation of the order dated 28.04.2021 passed in CWP-PIL-77-2021, vide which during COVID-19, certain directions were issued.

As per compliance affidavit of Joint Commissioner-II, Municipal Corporation, Gurugram, notice was given to owner of the property, namely Girdhar regarding violation of Section 250 of Haryana Municipal Corporation Act, 1994. It is further stated that subsequent to that, a demolition order was passed against said Girdhar only and after serving the demolition order, a reply

was filed by Girdhar Chandna that he is residing in the house and has re-constructed the property and is ready to bear the fine i.e. compounding of the same.

Learned counsel for the respondents submits that the petitioner is now owner of the property and he has filed this contempt petition only on the basis of some collaboration agreement with Girdhar, who is true owner of the property.

In view of the specific stand taken by owner of the property that he has raised some construction without seeking permission and is ready to pay for the same, if permissible under the Act, no willful disobedience is made out.

At this stage, learned counsel for the petitioner seeks permission to withdraw the present petition.

Dismissed as withdrawn.

[ARVIND SINGH SANGWAN]
JUDGE

25.07.2023

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No