

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

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CWP-3079-2017

Date of decision: 10.05.2023

NEELAM MANGAL AND ANOTHER

.....Petitioners

VERSUS

STATE OF HARYANA AND OTHERS

.....Respondents

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present:- Mr. Keshav Pratap Singh, Advocate
for the petitioners.

Mr. Pankaj Mulwani, DAG, Haryana.

Mr. Gaurav Jindal, Advocate
for respondents No.2 & 3.

Mr. Deepak Sabherwal, Advocate
for respondents No.4 & 5.

VINOD S. BHARDWAJ, J. (Oral)

The instant petition has been filed under Articles 226/227 of the Constitution of India for seeking issuance of directions to respondents No.1 to 3 to take action against private respondent for raising an illegal and unauthorized construction on their plot No. 61, Model Town, Ambala City.

Written statement through Harish Kumar, Executive Engineer on behalf of respondents No.2 & 3 has been filed as per which it has been averred that there is no violation of the provisions of the Building Bye laws of 2014 which were applicable at the time when the building plan of the private respondent was sanctioned with respect to the objections raised by the petitioner qua the height of the boundary

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wall, it has been responded in Para No. 4 of the aforesaid written statement that in the year 2015 when the building plan of the respondents No.4 & 5 was sanctioned at that point of time boundary wall was not covered in any Building Bye Laws of 2014 and no height of the rear boundary wall was mentioned in the sanctioned building plan.

Thus, it is held that Building Bye Laws of 2016 cannot be relied upon for the purposes of raising a challenge to the building approved as per the plan sanctioned under the erstwhile Bye Laws as were enforce.

After considering the aforementioned view and the categorical stand taken by the respondents, there is no violation in the construction of the building and/or approval of the building plan and there are no sufficient grounds for further proceeding in this matter. However, in the event there is any subsisting grievance, the petitioner may take recourse to the alternative remedy available in accordance with law before competent authorities.

Disposed of accordingly.

(VINOD S. BHARDWAJ)
JUDGE

MAY 10, 2023

Vishal sharma

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