

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

103

2023:PHHC:083336-DB

CWP-22825-2022 (O & M)

Date of Decision: 04.07.2023

Jai Dev

.....Petitioner(s)

Versus

State of Haryana and others

....Respondent(s)

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

Present: Mr. Rahul Vohra, Advocate,
for Mr. Aditya Jain, Advocate,
for the petitioner.

Mr. Aman Bahri, Addl. A.G., Haryana.

Mr. R.K. Chaudhary, Advocate,
for respondent No.7.

G.S.SANDHAWALIA, J. (Oral)

1. The present writ petition has been filed for removal of illegal construction of sheds and swimming pool over the agricultural land described in the head note of the writ petition situated within the revenue estate of village Lalwa.

2. On the last date of hearing i.e. 28.04.2023, the following order was passed:-

“In order to comply with the order passed by this Court on 09.03.2023, status report in the form of an affidavit of Deputy Commissioner, Palwal dated 18.04.2023 has been filed according to which in paras 3,4 and 5, it has been stated as follows:

“3. The offenders/ noticee have erected unauthorized construction in the shape of Swimming pool/ Banquet Hall at the site and

changed the use of land without prior permission of the Director Town and Country Planning, Haryana, Chandigarh Show Cause Notices dated 18/06/2021 & 11/07/2022 (Annexed as Annexure R-1) and Restoration Order dated 01/07/2021, 20/07/2022 & 29/07/2022 (Annexed as Annexure R-2) were issued respectively to restore the land in respect of which aforesaid contravention has been committed to its original state or bring to in conformity with the provisions of the said Act or the rules framed there under. However, upon notice/ offenders did not comply with this order and continued with the contravention of the provisions of the said Act.

4. That in compliance of the order of Hon'ble Punjab and Haryana High Court dated 22/11/2022 a meeting was conducted on 09/01/2023 under the chairmanship of Ms. Dwiza, City Magistrate, Palwal to take necessary action against the unauthorized construction as per the provisions of the Act. 3 Nos. of swimming pools, 1 no. Banquet Hall and a Shed was demolished from the site in dispute on 11/01/2023 under the supervision of Sh. Parveen Kumar, BD&PO, Prithla appointed as a Duty Magistrate. Copy of order is annexed as (Annexure R-3). Moreover 1 No. of Industrial shed and four No. of shops were also sealed at the spot as they were found occupied/locked. The photographs of the demolition drive showing the demolition/sealing of aforesaid structures are enclosed as Annexure R4 to R-12).

5. That status report is being submitted for the kind perusal of this Hon'ble Court. It is necessary to submit here that Sh. Jaipal / offender

vide application dated nil received in this office on 25/01/2023 informed that he has applied for grant of Change of Land Use Permission for setting up of an industrial unit at the site in dispute vide online application No.CLU/PL-1828A and also submitted his willingness to compound the unauthorized structure raised at the site.”

In the light of the above, learned counsel for the respondent(s) states that the present writ petition has been rendered infructuous.

Since, a written request for an adjournment has been received on behalf of the petitioner, the hearing of the case is deferred to 04.07.2023.

A copy of the affidavit be supplied to learned counsel for the petitioner, during the course of the day.”

3. Counsel for the petitioner still requests for accommodation.

4. We are of the considered opinion that the matter has been rendered infructuous in view of the observations noted in the earlier order dated 28.04.2023. The application i.e. CM-8635-CWP-2023 filed for placing on record photographs, Annexure A-1 and for exemption from filing certified copy thereof has also been rendered infructuous as no further action is required to be taken in view of the fact that the State has already acted upon the representation. The writ petition is disposed of as having been rendered infructuous.

(G.S. SANDHAWALIA)
JUDGE

04.07.2023
shivani

(HARPREET KAUR JEEWAN)
JUDGE

Whether reasoned/speaking
Whether reportable

Yes
No