

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
115**

CWP-23707-2022

Date of decision: 30.01.2023

SHAKUNTALA DEVI

.....PETITIONER

Versus

STATE OF HARYANA AND OTHERS

.....RESPONDENTS

**CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH
HON'BLE MR. JUSTICE VIKRAM AGGARWAL**

**Present: Mr. Divyam Singh, Advocate,
for the petitioner.**

**Mr. Pravindra S. Chauhan, Sr. Addl. A.G. Haryana,
for the State.**

AUGUSTINE GEORGE MASIH, J. (ORAL)

Petitioner has approached this Court impugning the alleged illegal, arbitrary and selective demolition drive dated 10.10.2022 resorted to by the respondents, wherein despite notices having been issued under Section 12 (2) of the Punjab Scheduled Road and Controls Area (Restriction of Unregulated Development) Act, 1963 dated 24.09.2022 (Annexure P-4) and Section 10 (2) of Haryana Development and Regularization of Urban Areas Act, 1975 dated 25.09.2022 (Annexure P-5), they have targeted the house of the petitioner and have proceeded to demolish the same in pursuance to the order dated 03.10.2022 (Annexure P-7) passed by the District Town Planner, Narnaul, exercising the powers of Director General, Town and Country Planning, Haryana.

Counsel for the petitioner asserts that this demolition of the house of the petitioner alone is because of the pendency of three cases

against the petitioner under the Narcotic Drugs and Psychotropic Substances Act, 1985. He contends that the respondents have not even waited for the decision on the appeal which has been preferred by the petitioner against the order dated 03.10.2022 and rather have proceeded to take steps immediately for demolition, which is not permissible in law.

Counsel for the petitioner has further contended that the notices dated 24.09.2022 (Annexure P-4) and 25.09.2022 (Annexure P-5), which have been issued, are on Saturday and Sunday, on which days, the offices of the Government are generally closed.

Counsel for the petitioner, to substantiate his contention, has placed reliance upon the Newspaper Cutting dated 11.10.2022 (Annexure P-12), where it has been asserted, on the basis of the said Newspaper Cutting, that the action of the respondents for demolition of the house of the petitioner is because of the criminal cases registered against her. The vernacular thereof has been referred to by the counsel for the petitioner in this regard.

A perusal of the same would indicate that it is because of illegal construction having been carried out on the land of the Haryana Urban Development Authority, which has resulted in the demolition of the house and it cannot be said that primarily, it was because of the criminal cases pending against the petitioner that such demolition has been resorted to. There is no material on the record which would substantiate the plea of the counsel for the petitioner that the respondents have proceeded to demolish the house of the petitioner for the criminal cases, which were registered against her and are pending under the Narcotic Drugs and Psychotropic Substances Act, 1985.

In the absence of any material being available in this regard, interference by this Court in exercising of its extraordinary writ jurisdiction would not be called for.

The writ petition being devoid of the material required, pleadings, therefore, do not call for any interference by this Court. The same, therefore, stands dismissed.

**(AUGUSTINE GEORGE MASIH)
JUDGE**

**(VIKRAM AGGARWAL)
JUDGE**

30.01.2023

PJ

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