

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

110

2023:PHHC:132856-DB

CWP-20576-2023

Date of Decision: 12.10.2023

Dr. Seema Rani and others

.....Petitioner(s)

Versus

State of Haryana and others

....Respondent(s)

**CORAM: HON'BLE MR. JUSTICE G.S.SANDHAWALIA
HON'BLE MR. JUSTICE VIKRAM AGGARWAL**

Present: Mr. Viren Sibal, Advocate,
Mr. Kush Sharma, Advocate,
Mr. Nishchaya Nigam, Advocate,
Mr. Satyam Sharda, Advocate,
for the petitioners.

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

Mr. Deepak Sabherwal, Advocate,
for HSVP.

G.S.SANDHAWALIA, J. (Oral)

1. The petitioners, in the present writ petition filed under Article 226 of the Constitution of India, seeks quashing of the demolition order dated 02.09.2023 (Annexure P-1).

2. The case was based on the order of the Apex Court dated 11.09.2023 (Annexure P-11). The perusal of the order of the Apex Court would go on to show that directions were issued that the respondents were to survey the colony and segregate the portions which were unauthorized and carry out demolition of those portions. The survey was to be carried out within a period of one week and thereafter the State was to take steps in accordance with law. Writ Petition (Civil) No.951 of 2023 was accordingly disposed of on 11.09.2023 with the abovesaid observations.

3. The written statement filed today depicts that the following violations are present against the present petitioners herein, which read thus:-

<i>Sr. No.</i>	<i>Flats No.</i>	<i>Owner Name</i>	<i>Type of illegal construction</i>
<i>1.</i>	<i>66</i>	<i>Seema rani W/o Sh Pankaj Nigam</i>	<i>Front & Rear Balcony extended</i>
<i>2.</i>	<i>57</i>	<i>Pankaj Nigam S/o Sh. R.K. Nigam</i>	<i>Front & Rear Balcony extended</i>
<i>3.</i>	<i>5</i>	<i>Kamal Gulati</i>	<i>Front & Rear Balcony extended</i>
<i>4.</i>	<i>1</i>	<i>Amarwati Rawal W/o Suresn rawal</i>	<i>Front & Rear Balcony extended</i>
<i>5.</i>	<i>3</i>	<i>Vaibhav Kaushik</i>	<i>Front & Rear Balcony extended</i>

4. It has been further averred that the survey was conducted on the 19.09.2023 of the 182 flats of the society and the flats in which illegal constructions are raised which are accordingly earmarked. The said list is attached as Annexure R-3 alongwith the reply.

5. A perusal of the said list would go on to show that there are various illegal structures of various flats which have been identified i.e. rear side balcony extentions, front and rear balcony extensions and the front lawn extended and the back green belt encroached etc. Certain other violations of back side rooms construction and both front and back side extended has also been noticed.

6. Thus, the exercise which was to be done as directed by the Apex Court, has already been conducted. The respondents are apparently proceeding in accordance with law and, therefore, we do not find any ground to entertain the writ petition any further since the protection was granted on an earlier occasion only on account of the fact that the survey was to be conducted, which has been duly done.

7. Accordingly, the present writ petition stands dismissed.

(G.S. SANDHAWALIA)
JUDGE

12.10.2023
shivani

(VIKRAM AGGARWAL)
JUDGE

Whether reasoned/speaking	Yes
Whether reportable	No