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

CWP-21377-2023

Date of Decision: September 25, 2023

Rani Saini and another
Versus

.....Petitioners

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE RAJESH BHARDWAJ

Present: Mr.Pankaj Bali, Advocate
for the petitioners.

.....

RAJESH BHARDWAJ, J.(ORAL)

Petitioners have approached this Court praying for issuance of direction to the respondents not to demolish their houses on the basis of the Notification, dated 04.03.2013, Annexure P-3, as construction of the petitioners are away from the boundary wall of the Patiala Ki Rao Choo and construction of the petitioners are no way causing any kind of obstruction in the natural flow of the said choo. It is further prayed that Local Commissioner be appointed to verify the true picture of the case in hand with a further prayer to restrain the respondents not to take any coercive steps against the petitioners and stay operation of the Notices, dated 14.09.2023, Annexures P-6 and P-7, during pendency of the present petition.

It has been contended by counsel for the petitioners that petitioners have been issued impugned Notices dated 14.09.2023, wherein only three days' notice has been given for removal of construction, failing which residential houses of the petitioners would be demolished. He has submitted that time given in itself is so short that petitioners cannot even

raise their objections before the authorities. He specifically submits that so far no demolition has been done. He further submits that this Court has passed the order, dated 01.06.2016, relevant para of which reads as under:

“Executive Engineer, water Management, Research Division, Ropar, is directed to comply with order dated 02.05.2016. He will carry out the survey as to the construction raised in the entire area through which the Patiala Ki Rao Choo (Seasonal Stream) is passing. It is made clear that survey shall be carried out afresh and earlier survey shall not be taken into consideration.”

Notice of motion.

On asking of the Court, Ms.Akshita Chauhan, Deputy Advocate General, Punjab, who is present in Court, accepts notice on behalf of the respondents/State.

It is apparent that Notices have been issued to the petitioners giving them only three days’ time for taking necessary action. Learned State counsel submits that this is the third notice served upon the petitioners but despite that the petitioners never put in appearance and have not submitted any objections.

However, it is apparent that the properties involved in the case are residential houses of the petitioners. Keeping in view the overall facts and circumstances of the case, the present petition is disposed of with a direction to the petitioners to file their objections before respondent No.2 within seven days from today. In case the petitioners file any such objections for redressal of their grievances, respondent No.2 would decide the same within two weeks from the date of receipt of such objections.

Needless to say that if petitioners do not appear before respondent No.2

within a week alongwith objections, this order would be of no avail to them.

However, no coercive action be taken by the respondents before decision of the objections of the petitioners, if any filed within a week from today, if no demolition, as on date, has been conducted.

Disposed of in the above terms.

September 25, 2023
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(RAJESH BHARDWAJ)
JUDGE

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| 1. | Whether speaking/reasoned ? | Yes/No |
| 2. | Whether reportable ? | Yes/No |