

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

CWP-22860-2023

Date of decision : 10.10.2023

Subhash

.....Petitioner

versus

State of Punjab and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Shubham Thakur, Advocate
for the petitioner.

Ms. Akshita Chauhan, DAG, Punjab.

Mr. Parambir Singh, Advocate
for respondents No.3 to 5 and
Mr. Sanjeev Soni, Advocate
for respondent No.5.

RAJESH BHARDWAJ, J. (Oral)

Petitioner has approached this Court praying for quashing of Show Cause Notice dated 17.08.2023 (Annexure P-2) issued by respondent No.5 without jurisdiction with a premeditated mind and in violation of legal principles. Further prayer has been made to provide a copy of order if any passed in pursuance of show cause notice dated 17.08.2023. Further prayer has been made for quashing of any such order in pursuance of illegal show cause notice dated 17.08.2023 as the same being in contravention of the principles of natural justice and directing the respondents to de-seal the sole residential premises of the petitioner which has been illegally sealed by the officials of respondent No.3 in complete and utter violation of principles of natural justice without affording any opportunity of personal hearing and without intimating the petitioner about passing of any formal order for the same.

Learned counsel for the petitioner has reiterated his arguments that the premises of the petitioner has been illegally sealed by the respondent-MC.

Learned counsel for the respondents-MC has vehemently opposed the submissions made by counsel for the petitioner. He has submitted that petitioner has approached this Court by concealing the material facts. It is submitted that as the petitioner was raising construction without sanction plan, hence they issue him show cause notice to produce the order of sanction for raising the construction. It is submitted that petitioner has failed to produce the same and he has continued with the construction. It is further submitted that the petitioner was served with the notice under Sections 269 and 270 of the Punjab Municipal Corporation Act, 1976 for stopping the construction forthwith. Learned counsel has handed over copy of the notices issued to the petitioner under Sections 269 and 270 of the Punjab Municipal Corporation Act, 1976. He submits that as the construction raised by the petitioner is in violation of the building bye-laws and thus, he has been stopped.

Heard. After hearing counsel for the parties and perusing the record, the present petition is disposed of with liberty to the petitioner to approach the respondents-authorities and avail his remedies as available to him under law. In case the petitioner files any such representation, the respondents-authorities would deal and decide the same as in accordance with law.

10.10.2023
m. sharma

(RAJESH BHARDWAJ)
JUDGE

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