

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

CWP-22896-2023

Date of decision : 10.10.2023

Mahesh Devi

.....Petitioner

versus

State of Haryana and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Ashish Gupta, Advocate
for the petitioner.

RAJESH BHARDWAJ, J. (Oral)

Petitioner has approached this Court praying for quashing the proceedings initiated by notice/order dated 22.06.2023 and notice/order dated 30.06.2023 (issued under Section 24(1) and Section 24(2) of the Haryana Panchayati Raj Act, 1994. Further prayer has been made for issuance of directions not to take any action against the land owner i.e. petitioner with respect to notices so issued under Section 24(1) and notice issued under Section 24(2) of the Haryana Panchayati Raj Act, 1990. Further prayer has been made for issuance of direction to the respondents not to harass the petitioner who is in lawful possession of the property in question since decades together i.e. from the inception of the village.

It has been submitted that though the notice was issued to the petitioner however, no order has been passed on the same. He submits that despite that today itself, the State has started demolition of the disputed structure.

Notice of motion.

On asking of the Court, Ms. Upasana Dhawan, AAG, Haryana accepts notice on behalf of the State. She on the other hand has vehemently opposed the submissions made by counsel for the petitioner and has submitted that the petitioner was issued not only one notice but twice under Section 24(2) of the Act and the same were in specific terms that directing her to remove the encroachment which she did not do. She further submits that petitioner has also not filed any reply to the same. She further submits that petition is not even maintainable as the petitioner has the remedy of filing an appeal under Section 28 of the Haryana Panchayati Raj Act. She, on instructions from Mr. Rafique, Ada Office of Deputy Commissioner, Mahendergarh, has submitted that the demolition has already taken place and thus, the action in pursuance to the notice has already completed.

I have heard counsel for the parties and perused the record. As the State has already implemented the demolition of the disputed structure, the present petition is disposed of with liberty to the petitioner to avail his alternative remedy as available to him under law.

Learned counsel for the petitioner submits that he will avail remedy as enumerated under Section 28 of the Act.

If any such appeal is filed before the Collector, the same be decided by the Collector expeditiously.

10.10.2023
m. sharma

(RAJESH BHARDWAJ)
JUDGE

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