

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

C.W.P. No. 25161 of 2023

Date of decision: 08.11.2023

Anita Chahal

.... Petitioner

Vs.

Chief Administrator Haryana Shahri
Vikas Pradhikaran and others

.... Respondents

**CORAM: HON'BLE MR. JUSTICE ARUN PALLI
HON'BLE MR. JUSTICE VIKRAM AGGARWAL**

Present: Mr. Sanjeev Kumar Bawa, Advocate
for the petitioner.

Mr. Ankur Mittal, Addl. A.G. Punjab with
Ms. Kushaldeep Kaur, Advocate.

ARUN PALLI, J (Oral)

The petitioner herein has prayed for the following substantive relief:

“Civil Writ Petition under Articles 226/227 of Constitution of India for issuance of a writ specially in the nature of Certiorari for quashing the notice dated 19.05.2023 (Annexure P-11) issued by respondent No.3 i.e. Estate Officer, Haryana Shahari Vikas Pradhikaran, Hisar under Section 17 (3) of Haryana Shahari Vikas Pradhikaran Act, 1977 and notice dated 31.10.2023 (Annexure P-13) whereby respondent No.3 without considering the reply dated 31.05.2023 (Annexure P-12) & without demarcating and inspecting the site and even without giving specific details of violation, had issued the show cause notice to the petitioner to appear before him and on dated 31.10.2023 and thus the action of the respondent No.3 is arbitrary, discriminatory, without any iota of evidence and is

illegal and thus are liable to be set aside, in the interest of justice.

AND/OR

Further prayer is for issue a writ in the nature of Mandamus by directing the respondent No.3 to issue notice with details of violation alleged to be committed by the petitioner while constructing the site, in the interest of justice, equity and fair play.

AND/OR

Further prayer is for staying the operation of impugned notice dated 31.10.2023 (Annexure P-13) being arbitrary, discriminatory, and illegal.”

Upon being pointedly asked, as to how, at this stage, a petition against a show cause notice, dated 19.5.2023 (P-11), under Section 17 (3) of Haryana Vikas Pradhikaran Act, 1977 (for short, “the Act”); as also dated 31.10.2023 (P-13) under Section 17 (4) of the Act, would even be maintainable, no response is forthcoming.

Ex facie, what is being assailed, at this stage, are the show cause notices dated 19.05.2023 (P-11) under Section 17 (3) of the Act, as also dated 31.10.2023 (P-13) under Section 17 (4) of the Act, whereby, after the response, submitted by petitioner, to the show cause notice dated 19.05.2023 (P-11), was not found to be satisfactory, she has been afforded an opportunity of hearing by the Competent Authority, and the matter is now listed for 10.11.2023 at 11.00 AM. A bare reading of the notice dated 31.10.2023 (P-13) reveals that the petitioner has been asked to appear, either herself or through her representative, to set out her defense/submissions. Therefore, the final order, upon consideration of the claim of the petitioner, is yet to be passed. And, in any case, any order passed by the authority under Section 17 (4) of the Act, is appealable under Section 17 (5) of the Act.

Faced with this, learned counsel for the petitioner fairly submits that the petition be disposed of with liberty to the petitioner to agitate his claim before the Competent Authority and it be observed that she shall be

entitled to take up all possible objections and make submissions in support of her claim.

Upon being served with an advance copy of the petition, Mr.Deepak Sabherwal, Advocate, for the respondents, is present in Court. He submits that if the petitioner or her authorized representative, appears before the Competent Authority on the stipulated date and time, it goes without saying all possible objections/grievances as sought to be raised by the petitioner shall be considered in the right earnest and appropriate orders in accordance with law shall be passed.

The petition is accordingly disposed of, in terms of the statement made by learned counsel for the parties.

Needless to assert that this order shall not constitute an expression of opinion on the merits of the case of either party, for, as indicated above, the competent authority shall examine the claim of the petitioner, strictly in accordance with law.

(ARUN PALLI)
JUDGE

(VIKRAM AGGARWAL)
JUDGE

08.11.2023
deepak

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