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

**CWP-27890-2023 (O&M)
Date of decision : 16.12.2023**

Dharminder Pachisia

.....Petitioner

versus

State of Haryana and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Vinod Bhardwaj, Advocate and
Mr. Nipun Bhardwaj, Advocate
for the petitioner.

Mr. Rajneesh Chadwal, A.A.G., Haryana.

Mr. Naveen S. Bhardwaj, Advocate
for respondents No.4 & 5 along with
Mr. Raj Kumar, Asst. A.E. and Mr. Ajay Kumar. J.E.,
Municipal Corporation Ambala, District Ambala.

RAJESH BHARDWAJ, J. (Oral)

Present petition has been filed under Articles 226/227 of the Constitution of India seeking issuance of direction especially in the nature of mandamus, holding the action of the official respondents illegal and wrong, who are causing forceful and illegal obstruction in stopping the construction on the plot owned and possessed by the petitioner, even site plan and necessary permissions/approvals have been duly approved by the competent authority.

Mr. Naveen S. Bhardwaj, Advocate has put in appearance and filed memorandum of appearance on behalf of respondents No.4 & 5 in the Court today, which is taken on record.

On the oral request of learned counsel for the petitioner, let Commissioner, Municipal Corporation Ambala, District Ambala be impleaded as respondent No.8 in the array of parties.

Registry is directed to carry out necessary correction in the memo of parties.

It has been contended by learned counsel for the petitioner that he had stated in his contention that he started raising construction in his own land but the respondents started demolishing the structure totally in contravention to the established procedure of law.

However, learned counsel for the respondent-M.C. on instructions, has submitted that a title dispute is pending regarding the land involved in this case. He submits that earlier the land was in the jurisdiction of the Gram Panchayat, however, subsequently it has come under the Municipal Corporation. He submits that no demolition whatsoever has been carried out by the respondent-M.C., as alleged. He further submits that the petitioner has also filed a representation dated 25.11.2023 annexed as Annexure P-6 before The Commissioner, Municipal Corporation, Ambala and they would appear before respondent No.8 and the same would be decided by passing a speaking order.

Learned counsel for the petitioner agrees to the same and also expressed his consent for the same.

In view of the above, the present petition is disposed of with direction to respondent No.8 to decide the representation dated 25.11.2023 (Annexure P-6) filed by the petitioner after granting him a personal hearing as well by passing of speaking order within a period of

four weeks on receipt of copy of this order.

It is made clear that till the decision of the representation, no demolition should be carried out.

The order passed by The Commissioner, Municipal Corporation, Ambala, newly added respondent No.8, would be communicated to the petitioner.

16.12.2023
ps-I

(RAJESH BHARDWAJ)
JUDGE

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