

CWP-433-2024

Date of Decision: 10.01.2024

Krishan Kumar and others

..... Petitioners

Versus

Municipal Council Maur

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Suresh Singla, Advocate, for the petitioners.

Rajesh Bhardwaj, J. (ORAL)

Prayer in the present petition is for setting aside the impugned *ex parte* letter/notice No.1442 dated 02.01.2024 (Annexure P-9) issued to the petitioners by respondent Municipal Council on the basis of illegal and *ex parte* demarcation report dated 29.09.2023 (Annexure P-8) as the exercise undertaken is totally unfair and against the principles of natural justice.

Learned counsel for the petitioners has submitted that the demarcation as relied upon by the respondent-authority was carried out in the absence of the petitioners, against which they have already filed a representation. He has submitted that now the petitioners have been served with the impugned notice. He submits that without providing the opportunity of hearing, the respondent-authority has fixed the date for demolition for today itself. He has submitted that the impugned action is being taken in violation of the principles of natural justice.

Keeping in view the urgency involved in the present matter, this Court feels that there is no need to issue notice to the respondent-authority as the same will result in wastage of time of the parties.

After hearing learned counsel for the petitioners, it is apparent that the impugned action of demolition in pursuance to the notice is being taken

today without hearing the petitioners. The present petition is disposed of with liberty to the petitioners to approach the respondent-authority within a period of 10 days from today. The respondent-authority is directed to hear the petitioners and proceed further in accordance with law. Till then (for a period of 10 days from today) the impugned action of demolition in pursuance to the notice issued would remain in abeyance.

Copy of this order be given *dasti* to counsel for the petitioners under the signature of the Bench Secretary.

10.01.2024
sharmila

(RAJESH BHARDWAJ)
JUDGE
Whether Speaking/Reasoned : Yes/No
Whether Reportable : Yes/No