



(208)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

CWP-4772-2021 (O&M)  
Date of decision:- 21.11.2024

Anurag Malhotra  
...Petitioner(s)  
Versus  
State of Haryana and others  
...Respondent(s)

CORAM: HON'BLE MR. JUSTICE SHEEL NAGU, CHIEF JUSTICE  
HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. Arun Jindal, Advocate,  
Mr. Kanish Jindal, Advocate,  
Mr. Rishav Jain, Advocate,  
for the petitioner.  
  
Mr. Deepak Balyan, Additional Advocate General, Haryana.  
for respondents No. 1 to 3.  
  
Mr. Pritam Singh Saini, Advocate,  
Mr. Abhay Chauhan, Advocate,  
for respondent No. 4.  
  
Mr. Manjit Singh, Advocate,  
for respondent No. 5.  
  
Mr. Ankit Saini, Advocate,  
for Mr. Ram Kumar Saini, Advocate,  
for respondent No. 6.

\* \* \* \*

**SHEEL NAGU, C.J. (ORAL)**

1. This petition has been filed by the petitioner, who is a resident of  
H. No. 1913, Opposite Old Red Cross Market, Railway Road, Hisar,  
complaining about construction and occupation of 20 shops in his  
neighbourhood which were constructed in violation of the Municipal norms.



2. On issuance of notice, reply/status report dated 16.08.2024 had been filed by respondent No. 4 – Municipal Corporation, Hisar, which is already on record, *inter-alia*, stating thus:-

*“10. That thereupon the terrace floor of the said building (which was being used as a bar) was sealed in compliance with the orders and out of the 20 shops constructed on the underground floor, 12 shops were sealed and remaining 8 shops could not be sealed as the same were occupied and could not be vacated during the sealing proceedings.*

*11. That thereupon as per the provisions under section 266(2) of Haryana Municipal Corporation Act, 1994, Superintendent of Police, Hisar has been requested vide letter No. 2491/AE/JE dated 05.08.2024 to get the building vacated by way of police help so that the same can be sealed.*

*12. That the owner of the building requested to de-seal the stores of basement and as per the provisions under section 263(2) of Haryana Municipal Corporation Act, 1994, the basement of the building which was sealed on 17.07.2024 has been de-sealed with the directions to remove the non-compoundable violations within 3 months. However, the terrace floor of the said building (which was being used as a bar) is still sealed.”*

3. From the aforesaid, it is quite evident that action was taken by the Municipal Corporation, Hisar against 20 shops in the basement leading to sealing of 12 shops, but the remaining being occupied could not be sealed.

4. The contents of para 12 of the reply are quite intriguing in the sense that the shops in the basement which were sealed on 17.07.2024 were de-sealed with a direction to remove the non-compoundable violations within three months.

5. The period of three months has already elapsed, but counsel for the Municipal Corporation, Hisar, is unable to inform us as to whether the violations have been removed or not.



6. What is surprising is that when 12 shops were sealed for causing building norms’ violation, how could they be de-sealed without the said non-compoundable violations being cured? Thus, a grave doubt is cast upon the functioning of the officer(s)/official(s) of the Municipal Corporation, Hisar.
7. However, this Court would not like to enter into the intricacies of the matter in view of the limited issue involved and, therefore, deems it appropriate to dispose of this petition with a direction to the Commissioner, Municipal Corporation, Hisar to file compliance report after ensuring that the non-compoundable violations are removed latest by 31.12.2024.
8. If the compliance report is not filed or if anything is amiss in the report, the Registry is directed to list the matter for further necessary action.
9. The writ petition, accordingly, stands disposed of.

(SHEEL NAGU)  
CHIEF JUSTICE

(ANIL KSHETARPAL)  
JUDGE

21.11.2024  
Amodh Sharma

|                           |        |
|---------------------------|--------|
| Whether speaking/reasoned | Yes/No |
| Whether reportable        | Yes/No |