



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No.3885 of 2022 (O&M)

Date of decision:08.08.2024

Suraj Prakash Chittodia

....Petitioner

Versus

State of Haryana and another

....Respondents

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

Present: Mr. Sunil K. Panwar, Advocate
for the petitioner.

Mr. Ankur Mittal, Addl. A.G., Haryana with
Ms. Kushaldeep Kaur, Advocate
for the respondents.

VIKRAM AGGARWAL, J.

1. The petitioner has knocked the doors of this Court challenging the action of the respondents in sealing his Flat No.3311-A (Ground Floor), Chandra Lok Phase IV Gurugram) without any order in this regard having been passed. The petitioner prays for the issuance of a *mandamus* commanding the respondents to desec the flat of the petitioner.

2. At the outset, learned counsel for the respondents submits that after a show-cause notice dated 22.09.2021(Annexure R-2) having been issued under Section 10(2) of the Haryana Development and Regulation of Urban Areas Act 1975 (for short 'the 1975 Act'), an order dated 01.10.2021 (Annexure R-3) was passed calling upon the petitioner to remove the structural violations and to bring the flat in conformity with the approved



plans as well as the provisions of the 1975 Act. He submits that since the order was not complied with, the flat was sealed. Learned counsel further submits that the said order is appealable under Section 19 of the 1975 Act.

3. Faced with the aforesaid situation, learned counsel for the petitioner submits that no such order was ever served upon the petitioner. He further submits that be that as it may, the petitioner would be willing to file an appeal against the said order which has now been annexed with the written statement but apprehends that an objection as regards limitation would be raised.

4. Learned counsel for the respondents, in response, submits that in case the appeal is filed within a period of three weeks from today, the same would be considered on merits and would be decided within a period of eight weeks from its filing.

5. To this, learned counsel for the petitioner submits that the petitioner shall file an appeal in terms of the provisions of Section 19 of the 1975 Act within a period of three weeks from today, so that the same can be disposed of within the next eight weeks, as has been stated by learned counsel for the respondents.

4. Accordingly, the instant writ petition is disposed of in terms of the statements made by learned counsel for the parties. Needless to observe that the appeal, if so filed by the petitioner shall be decided on its own merits and nothing observed in this order shall be construed to be an opinion on the merits of the case.

The writ petition is accordingly disposed of.

(ARUN PALLI)
JUDGE

(VIKRAM AGGARWAL)
JUDGE

August 08, 2024
Rekha

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