

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-3957-2024
Date of decision : 21.02.2024

PraveshPetitioner

versus

State of Haryana and others Respondents

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Manoj Kaushik, Advocate
for the petitioner.

RAJESH BHARDWAJ, J. (Oral)

Prayer in the present petition is for setting aside the impugned notice dated 10.02.2024 (Annexure P-1) issued by the Gram Panchayat (respondent No.5) under Section 24(1) of Haryana Panchayati Raj Act, 1994 whereby petitioner's residential house/Baithak is ordered to be demolished within a period of 7 days; especially because this notice is absolutely erroneous, illegal and bad in the eyes of law, having been issued in gross violation of Rule provisions of Section 24 of Haryana Panchayati Raj Act, 1994, because petitioner's house including its Baithak does not form part of common passage of Lal Dora/Abadi Deh of Village, therefore an already constructed 50 years old house/baithak cannot be demolished in summary proceedings which is only meant for removal of obstruction in common passage/village Gali; however the present Sarpanch of Gram Panchayat (respondent No.5) is acting in an absolutely arbitrary manner due to petty village politics and is therefore, bent upon to harass and humiliate the petitioner and his family members;

even when an ad-interim injunction has already been granted in favour of petitioner vide order dated 10.01.2024 (Annexure P-3) passed by learned Civil Judge (Junior Division), Faridabad. Further prayer has been made for directing respondent No.2 (Deputy Commissioner, Faridabad) to conduct a fact finding inquiry into the grievances of the petitioner, regarding which a written representation dated 13.02.2024 (Annexure P-4) has been made by the petitioner but the same is still pending undecided.

Learned counsel for the petitioner submits that for the redressal of his grievance, petitioner has filed representation dated 13.02.2024 (Annexure P-4) before respondent No.2-Deputy Commissioner, Distirct Faridabad, Haryana but the same has not been taken into consideration by the said respondent till date.

Notice of motion.

On asking of the Court, Ms. Upasana Dhawan, AAG, Haryana accepts notice on behalf of the respondents-State.

After hearing counsel for the parties and perusing the record, respondent No.2-Deputy Commissioner, Distirct Faridabad, Haryana is directed to decide the representation dated 13.02.2024 (Annexure P-4) filed by the petitioner expeditiously preferably within four weeks from the date of receipt of certified copy of this order, in accordance with law.

In view of the above, present petition is disposed of. *Status quo* as on date be maintained till then.

21.02.2024
m. sharma

(RAJESH BHARDWAJ)
JUDGE

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