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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-7274-2024

Date of Decision: March 27, 2024

Vazir and others

.....Petitioners

Versus

The State of Haryana and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE RAJESH BHARDWAJ
HON'BLE MR.JUSTICE DEEPAK GUPTA

Present: Mr.Parveen Kumar Rohilla, Advocate
for the petitioners.

.....

RAJESH BHARDWAJ, J.(ORAL)

Prayer in the present petition is for issuance of a writ in the nature of certiorari for setting aside the order, dated 15.09.2023, Annexure P-1, passed by respondent No.3-Assistant Collector, Ist Grade, Gohana, and Notice dated 19.03.2024, Annexure P-9, passed by respondent No.5 being wrong and illegal. It is further prayed to issue directions to the respondents to consider the case of the petitioner in view of the Rule 12(4) of the Punjab Village Common Land (Regulation) Rules, 1964 and further direct respondents No.2 and 5 not to interfere in the peaceful possession of the petitioners in some part of the houses in dispute.

It has been submitted by counsel for the petitioners that against the impugned order, dated 15.09.2023, Annexure P-1, passed by respondent No.4, i.e. Assistant Collector Ist Grade, Gohana, he has already filed the appeal before the learned Collector, which is pending adjudication. He submits that during pendency of the appeal, now respondent No.5, i.e. Block

Development and Panchayat Officer, Mundlana, has issued the demolition notice, which is totally against the principles of natural justice. He submits that during pendency of the appeal, the demolition order could not have been passed.

Notice of motion.

On the asking of the Court, Mr.Gurmeet Singh, AAG, Haryana, who is present in Court, accepts notice on behalf of the respondents/State.

After hearing learned counsel for the parties, it is apparent that the appeal is already pending adjudication before respondent No.2, i.e., Deputy Commissioner, Sonapat, thus, the demolition order, without the decision of the appeal, is totally unsustainable. Hence, respondent No.2, i.e. Deputy Commissioner before whom the appeal is pending is directed to decide the representation/application, to be filed by the petitioner for stay within a week from today, within two weeks from its filing.

Till then, no coercive action be taken against the petitioners.

(RAJESH BHARDWAJ)
JUDGE

March 27, 2024
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(DEEPAK GUPTA)
JUDGE

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| 1. | Whether speaking/reasoned ? | Yes/No |
| 2. | Whether reportable ? | Yes/No |