

122 **IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CWP-7451-2024

Date of Decision:03.04.2024

Renu Sachhar and another

..... Petitioners

Versus

The State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Ashish Aggarwal, Sr. Advocate with
 Ms. Aashna Aggarwal, Advocate, for the petitioners.

Rajesh Bhardwaj, J. (ORAL)

Prayer in the present petition is for quashing the impugned order dated 26.03.2024 (Annexure P-14) passed by respondent No.2, as illegal, ultra-vires, void and without jurisdiction and further praying that the dispossession of the petitioners from the land in question and the demolition of the structure in question over the land in question may kindly be stayed.

Learned Senior Counsel for the petitioners has submitted that the petitioners were issued notice earlier in violation of the statutory provisions, to which the petitioners duly replied. He submits that though the petitioners filed a suit for permanent injunction, however, the ad interim injunction was denied to them by the trial Court as well as the Appellate Court and ultimately they approached this Court by way of filing revision bearing No.CR-2005-2023, which was disposed of by this Court vide order dated 05.03.2024, wherein, it was directed that action should be taken against the petitioners in due course of law. He submits that now the respondent-MC has issued impugned notice dated 26.03.2024 under Section 181 of the Haryana Municipal Act, 1973 for removing the encroachment within seven days. It is submitted that immediately after the notice, the petitioners filed their reply to the notice, but no decision has been

taken thereon and the reply filed by them has also not been considered, rather respondent-authorities have granted time upto 03.04.2024 for demolition of the structure. It is further submitted that without considering the reply filed by the petitioners, the intended action to be taken by the respondent-authorities, is totally beyond the comprehension of law.

Notice of motion.

Mr. Rajneesh Chadwal, Assistant Advocate General, Haryana, accepts notice on behalf of the respondent-State. Mr. Rajesh Gaur, Advocate, accepts notice on behalf of respondents No.2 and 3.

After hearing learned counsel for the parties, the present petition is disposed of with a direction to respondent No.3 to take decision in the matter as per law keeping in view the reply filed by the petitioners within two weeks from today after providing an opportunity of hearing to the petitioners. No coercive action shall be taken against the petitioners till the decision is taken by respondent No.3.

(RAJESH BHARDWAJ)
JUDGE

03.04.2024
sharmila

Whether Speaking/Reasoned : Yes/No
Whether Reportable : Yes/No