



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-11650-2024(O&M)
Date of decision: 20.08.2024

Sahab Singh

... Petitioner

Versus

State of Haryana and others

... Respondents

**CORAM: HON’BLE MR. JUSTICE ARUN PALLI
HON’BLE MR. JUSTICE VIKRAM AGGARWAL**

Present: Ms. Renu, Advocate, for the petitioner.
Mr. Ankur Mittal, Addl. AG, Haryana, and
Mr. Deepak Bhardwaj, DAG, Haryana.
Mr. Ankur Mittal, Advocate,
Ms. Kushaldeep Kaur, Ms. Saanvi Singla, and
Ms. Naina Jindal, Advocate, for the respondent-MC, Kaithal.
(Through Hybrid Mode)

ARUN PALLI, J. (Oral)

The petitioner (Sahab Singh) has prayed for a certiorari to quash the notification No.04/42/2023-2CI, dated July 25, 2023 (P-4), as regards the agricultural land mentioned in column No.94, situated in Patti Kaisath Seth, Shahed Bhagat Singh Extension, Kaithal, vide which the unauthorized colony has since been approved in terms of Section 3 of the Haryana Management of Civic Amenities and Infrastructure Deficient Municipal Areas (Special Provisions) Act, 2016.

Learned counsel for the petitioner submits that petitioner is a co-sharer in a joint holding, measuring 24 kanals 1 marla, comprised in khewat



No.933/966, khatoni no.1131, situated in the revenue estate of Patti Kayasth Seth (Kaithal). She submits that the subject land was/is agricultural in nature, wherein the petitioner has been growing his crops. However, certain persons carved out an unauthorized colony on the said land without getting permission/approval in terms of Section 3 read with Section 7(1) & (2) of the Haryana Development and Regulation of Urban Areas Act, 1975. She submits that petitioner along with one Manpreet Kaur, widow of Sh. Baldev Singh, has also filed CWP-9053-2021. Wherein, they have prayed for demolition of the unauthorized construction on the agricultural land and the said petition is also listed today.

Served with the advance copy of the petition, Mr. Ankur Mittal, learned Additional Advocate General is present in Court on behalf of the respondents. At the outset, he submits that in fact, Civil Suit No.759 of 2019, filed by the petitioner, for separate possession by way of partition, is pending before the Civil Judge (Sr. Divn.), Kaithal. Further, he submits, the petitioner had even moved an application seeking stay on construction, which was dismissed by the trial Court. And, the suit is now posted for final arguments. That being so, and in view of the notification dated July 25, 2023 (**ibid**), he submits that petitioner can hardly have any grievance, though she has a liberty to pursue the suit filed by her.

Faced with this, learned counsel for the petitioner submits that let the petition be disposed of, for the present, to enable the petitioner to pursue the suit filed by her, which is at the final stage. And, if necessary or in the event any cause of action arises in future, a liberty be granted to the petitioner



to re-approach this Court or avail such other remedies as shall be admissible in law.

In the wake of the above, as also the statements made by learned counsel for the parties, the petition stands disposed of with the liberty prayed for.

(Arun Palli)
Judge

(Vikram Aggarwal)
Judge

20.08.2024
Rajan

Whether speaking / reasoned:	YES/NO
Whether Reportable:	YES/NO