

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

C.W.P. No. 8174 of 2024

Date of decision: 18.04.2024

Raj Pal Khatri

.... Petitioner

Vs.

Chief Administrator Haryana Shahari

Vikas Pradhikaran and others

.... Respondents

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

Present: Mr. Ajay Kumar Kansal, Advocate
for the petitioner.
Mr. Arvind Seth, Advocate
for respondent No.1.
Mr. Deepak Sabherwal, Advocate
for respondent No.2 and 3.

ARUN PALLI, J (Oral)

This Court, on 10.4.2024, had passed the following order :-

“The petitioner is owner of House No.1397, Sector-7, Housing Board Colony, Bahadurgarh. A Mandamus is prayed for commanding the official respondents to remove the illegal construction that has been raised by respondent No.4, upon plot No.1398, Sector-7, Housing Board Colony, Bahadurgarh.

Learned counsel for the petitioner, in reference to the notice dated 01.03.2024 (P-9), submits that the authorities had specifically required the private respondent to explain the matter as regards construction that has been carried out up to four storeys, in violation of clause 2(g) of the Hire Purchase Tenancy Agreement. Likewise, he submits that vide notice dated 27.04.2023 (P-7), the private respondent was directed to remove the unauthorised construction, whereby, he has covered the front and rear court yard of the site/plot No.1398, as reported by the Assistant Engineer (C), Housing Board Haryana, Rohtak, on 06.06.2022. It is urged that even residents of the vicinity had represented collectively, in this

regard, vide representation/letter dated 25.02.2022 (P-4), but the matter has not made any tangible progress. So much so, the legal notice dated 21.01.2023 (P-5), the respondent authorities had been served with, has failed to evoke any response.

Served with the advance copy of the petition, Mr. Arvind Seth, Advocate, for respondent No.1 and Mr. Deepak Sabherwal, Advocate, for respondent No.2, are present in Court. They pray for a short accommodation to seek instructions and apprise the Court, as to the proceedings that were initiated by the respondent authorities, pursuant to the notices dated 01.03.2024 and 27.04.2023 (ibid), and/or submit response.

Adjourned to 18.04.2024.”

Today, at the outset, learned counsel for respondents No.2 and 3, has placed before us a copy of the show cause notice dated 16.04.2024, issued under Section 17 (3) of the Haryana Shehri Vikas Pradhikaran Act, 1977, by the Estate Officer, HSVP, Bahadurgarh, whereby, the private respondent (Vipin Malhotra) has been called upon to show cause as to why the site/plot in question be not resumed owing to unauthorized construction that had been carried out and even for forfeiture. He, in reference to the said show cause notice (copy retained), submits that a period of 30 days has been granted to respondent No.4 to submit response thereto. Accordingly, he submits that since the competent authority is already in seisin of the matter, it would be expedient if the petition is disposed of, at this stage, to enable the respondent authorities to conclusively examine the issue and pass appropriate orders after hearing all the stake holders. And, till any formal orders are passed, the authorities would ensure that no further illegal/unauthorized construction is carried out at the site.

That being so, learned counsel for the petitioner submits that let the petition be disposed of in the wake of the show cause notice (*ibid*) that is alleged to have been issued to the private respondent, and the statement made by learned counsel for the respondents No.2 and 3. However, he

further submits that the matter being time sensitive, the authorities be directed to consider and finally decide the matter within a specified time.

To this, learned counsel for the respondents submits that the authorities would make every possible endeavour to conclusively decide of the matter as expeditiously as possible.

In the wake of the position sketched out above, this petition is disposed of in terms of the statement made by learned counsel for the parties.

This Court is sanguine that the respondent authorities shall consider/examine the matter in the right earnest, and pass appropriate orders, as expeditiously as possible, assigning reasons in support thereof.

Needless to assert that this order shall not constitute an expression of opinion on the merits of the case of either party, for, as indicated earlier, the competent authority shall examine the grievances of the petitioner, strictly in accordance with law.

(ARUN PALLI)
JUDGE

(VIKRAM AGGARWAL)
JUDGE

18.04.2024
deepak

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