

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-8403-2024(O&M)
Date of decision: 16.04.2024

Devender Singh
... Petitioner
Versus
State of Haryana and others
... Respondents

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

Present: Mr. Tanmoy Gupta, Advocate,
for the petitioner.
Mr. Ankur Mittal, Addl. AG, Haryana, and
Ms. Kushaldeep Kaur, Advocate,
for the respondents.

ARUN PALLI, J. (Oral)

A certiorari is prayed for to set aside the impugned show cause notice dated March 22, 2024 (P-2), issued under Section 10(2) of the Haryana Development and Regulation of Urban Areas Act, 1975 (for short, ‘the Act’), vide which the District Town Planner, Enforcement, Faridabad has required the parties concerned to restore the site to its original state.

With reference to the impugned show cause notice (**ibid**), learned counsel for the petitioner submits that since a boundary wall has been raised in khasra No.24//6; 25/10 min in the revenue estate of Village Ismailpur, Tehsil and District Faridabad, the petitioner is being accused of intending to develop an unauthorized colony in violation of Section 7(i) & (ii) of the Act. He submits that the said show cause notice is addressed to M/s Green State & HRE Plot Holders Association, Munna Lal and “to whomsoever it may

concern”. However, the petitioner had purchased a land measuring 21 kanals 5 marlas from M/s Green State vide sale deed dated 03.10.2022 (P-1), which formed part of khasra Nos.24//6 and 25/10 (**ibid**). Therefore, he has acquired a right, title and interest therein. Accordingly, he had submitted a response to the show cause notice on 01.04.2024 (P-4), and had clarified the position in its entirety. Further, the petitioner had raised the boundary wall to safeguard and secure his property from the land mafia that is active in the area. Even otherwise, it is urged that the petitioner had specifically undertaken in his reply (**ibid**) that he would neither develop any colony nor sub-divide the land even in future without obtaining the necessary approval/sanction from the competent authority. But despite that, and without passing any formal order in this regard, the respondent authorities have included the land owned by the petitioner in the list of properties dated 28.03.2024 (P-6), which were/are required to be demolished in April, 2024. Thus, he asserts that action of the respondent authorities is palpably erroneous, and in violation of the principles of natural justice.

At this stage, Mr. Ram Bilas Gupta, Advocate seeks to appear for M/s Green State and submits that the sale deed (**ibid**), vide which the petitioner claims to have purchased a land measuring 21 kanals 5 marlas, is the subject matter of the dispute in a suit filed by his client. However, we are not inclined to examine any such dispute in the present proceedings, particularly for the nature of the order we intend to pass in the present case. And at any rate M/s Green State is not a party to the petition either.

Served with the advance copy of the petition, Mr. Ankur Mittal, Additional Advocate General, Haryana is present in Court on behalf of the respondents. On instructions, he submits that as the competent authority is

already in seisin of the response submitted by the petitioner to the impugned show cause notice, it would be expedient if the petition is disposed of to enable the respondents to examine the matter, and pass necessary orders in accordance with law. Further, he submits that before any formal orders are passed, the authorities shall afford a personal hearing not only to the petitioner but also to the other stakeholders. He submits that petitioner as also the other stakeholders may appear before the competent authority (District Town Planner, Enforcement, Faridabad) on 18.04.2024 @ 11:00 AM.

Further, he fairly submits that till the formal orders are passed, no coercive step shall be taken by the respondent authorities pursuant to the impugned show cause notice (**ibid**).

Learned counsel for the petitioner is agreeable to the course suggested by learned State counsel. And submits, let this petition be disposed of in terms of his statement. However, he submits that as the matter is pending for a considerable time, the competent authority be directed to take a decision within a specified time.

To which, learned State counsel submits that the necessary orders, after affording an opportunity of hearing to the petitioner and the other stakeholders, shall be passed within a period of three weeks from today.

In the wake of the position sketched out above, and in terms of the statements made by learned counsel for the parties, the petition stands disposed of.

This Court is sanguine that the competent authority shall consider the matter in the right earnest, and pass the necessary orders.

Needless to assert that this order shall not constitute any expression of opinion on the merits of the case of either party, for, as indicated

above, the competent authority shall examine the concerns/grievances of the petitioners, strictly in accordance with law.

(Arun Palli)
Judge

(Vikram Aggarwal)
Judge

16.04.2024
Rajan

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