

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

CWP-8987-2024

Date of decision: 23.04.2024

Vijay Pal

....Petitioner

Versus

State of Haryana and others

....Respondents

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

Present: Mr. Ajay Jain, Advocate,
for the petitioner.

ARUN PALLI, J. (Oral)

A Certiorari is prayed for, to quash the impugned show cause notice dated 08.04.2024 (P-4), issued under Section 12(2) of the Punjab Scheduled Roads and Controlled Areas Restriction of Unregulated Development Act, 1963, vide which the District Town Planner, Rewari, in exercise of powers of Director, Town & Country Planning, Haryana, has required private respondents No. 4 to 9 to show cause, as to why the construction that has been carried out upon an area comprised in khasra No.26//14/1 be not removed. And the site be not restored to its original position.

Learned counsel for the petitioner submits that although, the impugned show cause notice is not addressed to the petitioner, but, pursuant to the memorandum/agreement dated 29.04.2016 (P-1), respondent No.4 (Rahul son of Krishan) had exchanged khasra No.26//14/1 with the petitioner, his brother and father, and in lieu thereof, khasra Nos.26//14/2 and 17/1 were given to respondent No.4. Thus, he submits that the petitioner has acquired right/interest in khasra No.26//14/1. Further, he submits that the petitioner, post exchange of the sites, has also raised a boundary wall upon the area comprised in the said khasra number. And, being a necessary party as regards the proceedings initiated pursuant to the impugned show cause notice, has also submitted response/objections on 15.04.2024, the date on which the private respondents (and to whom so ever it may concern), were required to

appear before the competent authority. However, he asserts that the petitioner is apprehensive that since the exchange of land between the petitioner and respondent No.4 has not yet been recorded in the record of rights, thus, in the event, any adverse order is passed by the competent authority, it would materially affect his right, title or interest. Therefore, it is urged that the petitioner should also be heard by the competent authority (respondent No.2), before any formal orders, pursuant to the impugned show cause notice, are passed.

Served with the advance copy of the petition, Mr. Ankur Mittal, learned Additional Advocate General, Haryana, along with Ms. Kushaldeep Kaur, Advocate, is present in Court. At the outset, he, as always, fairly submits that considering the nature of dispute involved in the matter at hand, petitioner, being a necessary and/or proper party, shall also be heard by the competent authority, before final orders are passed. And a formal communication, in this regard, shall be issued to him, well in advance.

Faced with this, learned counsel for the petitioner submits that let this petition be disposed of, in terms of the statement made by learned State counsel.

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

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 petitioner, strictly in accordance with law.

(ARUN PALLI)
JUDGE

(VIKRAM AGGARWAL)
JUDGE

23.04.2024
Ak Sharma

Whether speaking/reasoned	Yes
Whether reportable	Yes/No