

THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No.14859 of 2022 (O&M)
Date of Decision: 19.03.2024

Ramesh Kumar Petitioner

Versus

State of Haryana and others Respondents

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. P. R. Yadav, Advocate
for the petitioner.

Ms. Upasna Dhawan, AAG, Haryana.

Mr. Sunil Kumar, Advocate for
Mr. Samarth Sagar, Advocate
for respondent No.5.

Mr. Ajay Jain, Advocate
for respondents No.10 & 11.

RAJESH BHARDWAJ, J. (ORAL)

Present writ petition has been filed for quashing the order dated 09.05.2022 (Annexure P-43) passed by District Municipal Commissioner, Mahendergarh at Narnaul whereby marriage palace styled as 'CL Farms' owned by respondents No.10 & 11 which was sealed vide order dated 18.04.2022 (Annexure P-31) passed by the Executive Officer, Narnaul, Municipal Council Narnaul has been ordered to be de-sealed illegally, for extraneous consideration and contrary to the provisions contained in Section 208A of the Haryana Municipal Act, 1973 despite the fact that no building plan was ever got sanctioned by private respondents No.10 & 11. Further prayer has been made for directing the

respondents to order for demolition of C.L. Farms building which was illegally constructed by violating the provisions of Haryana Municipal Act, 1973 as well as building bye-laws and National Highway Authority Act, 1956 as passage from the Narnaul-Rewari Highway has been illegally taken by respondents No.10 & 11 from the space of Green Belt; for directing the respondents to take action against the delinquent officers/officials involved in getting the illegal marriage palace constructed by respondents No.10 & 11 as conveyed vide memo No.3/10/2021-3KA/II dated 25.03.2021 (Annexure P-23) issued by the Additional Chief Secretary, Government of Haryana, Urban Local Bodies, Department as requested by the petitioner by way of application dated 12.03.2019 (Annexure P-57) and subsequent reminders; for directing the respondents to pass order for previous sanction for prosecution of delinquent officers/officials involved in many scams like illegal possession of land of civil hospital Narnaul, illegal constructions of CL Farms and CL Flats as sought vide representation dated 18.04.2019 (Annexure P-59); directing the respondents to initiate disciplinary proceedings and legal action against the concerned Executive Officers who were involved in construction of illegal CL Farm as sought vide application dated 30.12.2019 (Annexure P-63) and directing respondents No.2 and 3 to grant an opportunity of hearing to the petitioner in the matter of permission of regularization of CL Farm owned by respondents No.10 & 11.

It has been submitted by learned counsel for the petitioner that the impugned order dated 09.05.2022 in this petition was withdrawn

by the respondent-State vide order dated 30.06.2023 and thus qua the same, the petition becomes infructuous. He further submits that regarding the other issues raised in this petition, the petition still survives.

Learned counsel for respondents No.10 & 11 has opposed the submissions made by learned counsel for the petitioner and has submitted that once the order impugned in the petition has already been withdrawn by the State, the petition is rendered infructuous.

Learned counsel for the State, on instructions from Kuldeep, Assistant, Urban Local Bodies, Panchkula has drawn the attention of this Court to the submissions made in para Nos.6, 7 and 8 of the status report filed by way of an additional affidavit of Arvinder Dhull, Senior Town Planner, Urban Local Bodies, Haryana dated 01.02.2024. She submits that in pursuance to the same, the respondent-State has issued demand notice dated 07.03.2024 to respondents No.10 & 11 for complying with the directions contained therein.

Learned counsel for respondents No.10 & 11 though has submitted that the requisite building plan has already been submitted by them for approval.

However, learned counsel for respondent No.5 has submitted that the conditions of demand notice have not been complied with so far by respondents No.10 & 11. He submits that once the same are complied with, the answering respondent would complete the further necessary action within 30 days thereafter.

Para Nos.6, 7 and 8 of the status report dated 01.02.2024 filed by Arvinder Dhull, Senior Town Planner, Urban Local Bodies, Haryana are as under:

- “6. That as per the Haryana Building Code, 2017, Zoning plan is required to be approved before sanction of the Building plan. Accordingly, the Zoning plan has been prepared by this office for the proposed site and the same was placed in the Zoning Plan Approval Committee (ZPAC) for its approval in the meeting held on 25.01.2024. In the said ZPAC meeting the Zoning plan has been approved. Therefore, now applicant is required to submit the revised building plan as per the approved zoning plan.*
- 7. That as per the Standing order dated 09.12.2019, amended on 14.02.2022 issued by the Government, the powers to approve building plans (pertaining to the commercial/institutional area) having area of site is 1000 sq. yard or above for municipal areas/Improvement Trust area vest with the Administrative Secretary, Urban Local Bodies Department, Haryana. In this case, the area of the site of marriage palace is 9819.21 sq. mtr. So, the Building plan of the existing palace has been forwarded by the Executive Officer, Municipal Council Narnaul to get the same approved from Administrative Secretary, Urban Local Bodies, Haryana.*
- 8. That after obtaining approval from the competent authority, the building plan for the marriage palace will be issued as per the Haryana Building Code, 2017.”*

On hearing learned counsel for the parties and perusing the record, it is apparent that the impugned order has already been withdrawn. Regarding rest of the submissions made, the State has already issued demand notice dated 07.03.2024 to respondents No.10 & 11.

In case, respondents No.10 & 11 have not complied with the conditions of the notice, they are at liberty to comply with the terms and conditions of the notice dated 07.03.2024 within 15 days from today and

in case, the same is done or not done, the respondent-State is directed to complete the necessary action within 30 days thereafter as submitted before this Court. The petitioner would be at liberty to pursue his remedies as available to him in accordance with law in case any further cause of action survives.

Petition stands disposed of in the above mentioned terms.

All the pending applications also stand disposed of.

(RAJESH BHARDWAJ)
JUDGE

19.03.2024

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