



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-15371-2024(O&M)
Date of decision: 08.07.2024

M/s Sambhav Prop Build LLP
... Petitioner
Versus
Department of Town and Country Planning, Haryana and another
... Respondents

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

Present: Mr. Gurasis Singh, Advocate,
for the petitioner.
Mr. Ankur Mittal, Addl. Advocate General, Haryana, and
Ms. Kushaldeep Kaur, Advocate.

ARUN PALLI, J. (Oral)

A writ in the nature of prohibition is prayed for, to restrain the respondent-authorities from taking any coercive action pursuant to show cause notice dated June 5, 2024 (P-6) as also memo No.4941, dated May 27, 2024.

It is not disputed that petitioner has already submitted response to the impugned show cause notice on June 12, 2024 (P-7) within the time indicated by the authorities. Accordingly, the matter is pending consideration of the respondents, and the necessary orders are yet to be passed.

Not just that, aggrieved by the impugned show cause notice (P-6), the petitioner had even filed an appeal under Section 19 of the Haryana Development and Regulations of Urban Areas Act, 1975 (P-12), along with a stay application dated June 18, 2024, praying for stay of the impugned show



cause notice (P-6) and memo dated May 27, 2024. And the same is also pending.

Served with the advance copy of the petition, Mr. Ankur Mittal, learned Additional Advocate General, Haryana is present in Court on behalf of the respondents. At the outset, he submits for the competent authority, who is in seisin of the matter, is yet to examine the same and pass orders, the petition is premature. Further, he asserts that since the petitioner had even preferred an appeal under Section 19, as indicated above, the petition at hand is nothing but an abuse of process. And, thus, required to be dismissed with costs. Particularly, when the petition is bereft of any averments that despite the matter being pending with the competent authority, the respondents were contemplating to carry out any demolition or take coercive measure against the petitioner. Be that as it may, he submits that necessary orders shall be passed by the competent authority in due course. And similarly even the appellate authority, which is in seisin of the appeal, shall take up the matter on July 16, 2024 and proceed therewith in accordance with law.

That being so, learned counsel for the petitioner submits that let this petition be disposed of in terms of the statement made by learned counsel for the respondents.

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.

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

08.07.2024
Rajan

Whether speaking / reasoned:
Whether Reportable:

YES/NO
YES/NO