

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

203

CWP-8168-2013 (O&M)
Date of decision: 31.01.2024

Barunesh Chandra

...Petitioner

VERSUS

State of Haryana and others

...Respondents

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present :- Mr. Manjeet Kumar, Advocate for
Mr. Karan Nehra, Advocate for the petitioner.

Mr. Pankaj Mulwani, DAG, Haryana.

Ms. Anita Balyan, Advocate for
Mr. Deepak Balyan, Advocate for respondents No.2 and 3.

Mr. Abhilesh Barak, Advocate for respondent No.4.

Mr. Sukhandeep Singh, Advocate for respondent No.5.

VINOD S. BHARDWAJ, J. (Oral)

Prayer in the present petition is for issuance of directions to respondents No.1 to 3 and 6 to take action against the officers/officials of the Municipal Corporation, Faridabad as well as against the developers/residents who had raised illegal constructions and made encroachments by illegal cutting/felling of trees in the green-belt and otherwise.

Pursuant to the proceedings undertaken before this Court, an

affidavit dated 21.04.2023 was filed by Gaurav Antil, Joint Commissioner, Municipal Corporation, Faridabad, NIT Zone, wherein it was acknowledged that illegal constructions had been raised in the green belt areas and that there were nearly 70 violations of sanctioned plans. It is also averred that the illegal constructions raised have already been removed by deputing a Duty Magistrate, in the presence of the Police force, by the Enforcement Wing of the Municipal Corporation, Faridabad. Additionally, the notices have already been issued for the violations carried out by the owners/developers and further process is being undertaken. Counsel for the Municipal Corporation, Faridabad, undertakes to file a status report about the action taken on the violations within a period of six months from today.

Learned counsel for the petitioner contends that he is satisfied with the action initiated by the respondents and he has instructions to withdraw the present writ petition. The said prayer is not opposed by the counsel for the respondents.

However, taking into consideration that there are wide spread encroachments/illegal and unauthorized constructions raised as well as having been allowed to be raised, in violation of the town planning norms and the parameters and also considering the large number of violations that are acknowledged by the respondents, it would be appropriate at this juncture to also direct the Commissioner of Municipal Corporation, Faridabad to examine the case on the departmental side as well and to fix the responsibility of the officers/officials who failed to ensure that no encroachment/violation took place and who failed to discharge their

duties. The action taken against such officers/officials shall also be informed alongwith the compliance report to be filed after a period of six months.

The petition is **disposed of as withdrawn.**

All other criminal misc. applications, if any, stands disposed of

To be listed for compliance report.

31.01.2024
Mangal Singh

(VINOD S. BHARDWAJ)
JUDGE

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