

**230-2 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CWP-24352-2019 (O&M)
Decided on: 08.02.2024**

Kailash Chander and others

..... Petitioners

Versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Chetan Mittal, Sr. Advocate with
Mr. Kunal Mulwani, Advocate,
Mr. Vikas Thakur, Advocate and
Ms. Shifali Goyal, Advocate, for the petitioners.
Ms. Upasana Dhawan, Assistant Advocate General, Haryana.
Mr. J.S.Yadav, Advocate and
Mr. Mahipal Singh Yadav, Advocate,
for respondents-MC Kanina.

Rajesh Bhardwaj, J. (Oral)

Present petition has been filed for quashing the impugned notice dated 05.03.2019 (Annexure P-4 colly) issued by the Executive Officer, Panchayat Samiti, Kanina to the petitioners vide which a direction has been issued to the petitioners to remove their *pucca* shops within three months failing which the same would be liable for damage. The said impugned notice is without following the proper procedure and the same is against their own letter/instruction dated 06.08.2018 (Annexure P-5) and Public Premises Act, and against the settled proposition of law as well as against the principle of natural justice. Further prayer has been made to direct the respondents to provide alternative site for shifting their business near the Bus Stand, Municipal Committee, Kanina and directing them not to demolish their shops.

Learned State counsel has submitted that the petitioners have not filed any reply to the show cause notice till date. She submits that in

case, the petitioners file their reply to the show cause notice, the appropriate authority will decide the same after giving personal hearing to them.

Learned Senior Counsel for the petitioners has submitted that the petitioners have no objection if the said recourse is adopted. He has prayed that till the decision is taken by the competent authority, the petitioners be protected by granting interim protection.

Heard.

In view of the above submissions made by learned counsel for the parties, the present petition is disposed of with liberty to the petitioners to file their reply to the show cause notice within a period of four weeks from the date of receipt of certified copy of this order and in case, the reply as stated above is filed by the petitioners within the prescribed period, the competent authority will decide the same in accordance with law after providing them opportunity of being heard, within a period of two months from the date of filing of the reply by the petitioners.

Till the decision is rendered by the competent authority, no coercive action shall be taken against the petitioners. The petitioners will be at liberty to avail their remedy (by raising all pleas including lack of jurisdiction of Panchayat Samiti Kanina to issue notice) as per law.

08.02.2024

sharmila/ps-I

(RAJESH BHARDWAJ)

JUDGE

Whether Speaking/Reasoned

:

Yes/No

Whether Reportable

:

Yes/No