



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-22455-2024 (O&M)
Date of Decision: 23.09.2024

Kanwar Singh and Others

....Petitioners

Versus

State of Haryana and Others

....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN PALLI

CORAM: HON'BLE MR. JUSTICE VIKRAM AGGARWAL

Present: Mr. Ravinder Malik, Advocate for the petitioners.

Mr. Deepak Bhardwaj, DAG, Haryana.

VIKRAM AGGARWAL, J.

1. The petitioner has prayed for the following substantive relief:-

“Civil Writ Petition under Articles 226/227 of the Constitution of India for issuance of appropriate writ, order or directions especially in the nature of certiorari for setting aside the report dated 21.02.2024 (Annexure P-2) issued by respondent No.6 on the basis of an application made by respondent No. 5 and all the consequential proceeding including notices (Annexure P-6) issued to the petitioners and the order dated 05.04.2024 (Annexure P-8) passed by respondent No.4 and order dated 01.08.2024 (Annexure P-11) passed by respondent No. 3 being illegal, arbitrary and against the principle of natural justice.

Further for issuance of direction to the respondents not to demolish the House/shop of the petitioners in their ownership and possession since carving out of the P.W.D Road with Width of 13 Karm / 60 Feet in the year 1974, from Rewari to Berli and Koshli etc, in the interest of justice.”

2. Served with the advance copy of the petition, Mr. Deepak Bhardwaj, Deputy Advocate General, Haryana is present on behalf of the respondents. He submits that the impugned order dated 01.08.2024 (Annexure P-11) passed by the Executive Engineer-cum-Confirmatory Authority under the Haryana Road



Infrastructure Protection Act, 2017 (hereinafter referred to as the ‘2017 Act’) is *non-est* for the Confirmatory Authority had no power to pass the said order and the said power was in the domain of the appellate authority i.e. the Superintending Engineer concerned. He submits that under the circumstances, the said order be deemed to have been withdrawn. He further submits that the authorities shall now proceed in accordance with the established procedure as envisaged under the 2017 Act and, thereafter, a fresh order shall be passed.

3. Learned counsel for the petitioners is agreeable to the course suggested by learned counsel representing the respondents. He submits that the procedure as envisaged under the 2017 Act shall be followed by the petitioners as well and in case any compliance is to be made by the petitioners, the same shall duly be made.

4. Learned counsel for the parties are, therefore, *ad idem* that the matter be disposed of in terms of the statements made by them.

The writ petition is accordingly disposed of in terms of the statements made by learned counsel for the parties binding them to the same.

(ARUN PALLI)
JUDGE

(VIKRAM AGGARWAL)
JUDGE

23.09.2024
Prince Chawla

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