



124 IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M No. 50563 of 2024
Date of Decision: 14.10.2024

Chetna Devi and others ...Petitioners

Versus

State of Haryana and another ...Respondents

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. D.V. Dhindsa, Advocate
for the petitioners.

Mr. Vikrant Pamboo, Sr. D.A.G., Haryana.

ANOOP CHITKARA, J.

1. Aggrieved by order dated 12.08.2024 passed by SDM, Naraingarh, District Ambala, the owners of the land have come up before this Court under Section 528 BNSS, 2023.
2. The primary grievance of the petitioners is that the order has been passed without giving them one opportunity of hearing, rather no notice was issued to them. Perusal of the order corroborates such stand. Even State does not deny the same.
3. Counsel for the petitioners submits that they are owner in possession of the land in question, however respondent No.2 has some share. There is no dispute qua the land and there is no report from any authority qua danger to peace at the spot.
4. Since the petitioners were unheard and the order was passed by making observations without hearing the petitioners which is in violation of the legal maxim *audi alteram partem* and violation of fundamental jurisprudence of opportunity of being heard, the order deserves to be quashed and set aside.
5. Given above, the order dated 12.08.2024 stands set aside and the matter is remanded back to the concerned SDM for taking fresh decision after affording opportunities to the petitioner. Parties are directed to appear on 21.10.2024 at 10.00 A.M. and it is for the concerned Court to list the matter for hearing. All pending applications, if any, stand disposed.

(ANOOP CHITKARA)
JUDGE

14.10.2024

Jyoti Sharma

Whether speaking/reasoned: Yes

Whether reportable: No.