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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-35019-2019

Date of Decision: February 01, 2024

Smt.Asha Rani and another

.....Petitioners

Versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE RAJESH BHARDWAJ

Present: Mr.Vikas Saroha, Advocate
for the petitioners.

Ms.Upasana Dhawan, AAG, Haryana.

Mr.Pritam Saini, Advocate
for respondent No.5-MC.

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RAJESH BHARDWAJ, J.(ORAL)

Petitioners have approached this Court praying for issuance of directions to the respondents to evict the unauthorized occupants in *kache* quarters, Sonipat, and to remove the unauthorized premises from the said land as they are covering even road and only 5 to 6 feet space is available for roaming and in case of any unnatural hazard, there is no possibility to rescue the people from such congested place and the illegal encroachment is in clear cut violation of Haryana Municipal Corporation Act, 1994 (for brevity, 'The Act'). It is also prayed to direct the respondent to decide the legal notice, Annexure P-4, as per law. It is further prayed to direct the respondents to maintain the public path properly.

Learned counsel appearing for respondent No.5-MC has submitted that necessary notice was issued under Section 408-A of the Act

to all the offenders after the spot inspection of the area. He submits that

further action would be taken in accordance with law. He further submits that similar case bearing CWP-10165-2017 is pending before the Hon’ble Division Bench and outcome of the same would have bearing on this case as well. He has submitted that though the respondent-MC has issued notices, however, final decision would be taken after decision of CWP-10165-2017.

In view of the statement made by learned counsel for respondent No.5-MC, the present petition is disposed of with a direction to Secretary, Municipal Committee, Sonipat, to take necessary action as per directions if any given by the Hon’ble Division Bench in CWP-10165-2017 at the time of its decision.

However, petitioner is at liberty to avail his remedy in accordance with law if he still has any grievance.

February 01, 2024
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(RAJESH BHARDWAJ)
JUDGE

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| 1. | Whether speaking/reasoned ? | Yes/No |
| 2. | Whether reportable ? | Yes/No |