

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-25456-2023
Date of decision : 08.02.2024

Rajender Parsad and othersPetitioners

versus

State of Haryana and others Respondents

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Manoj Tanwar, Advocate
for the petitioners.

RAJESH BHARDWAJ, J. (Oral)

Prayer in the present petition is for quashing the impugned notices dated 20.09.2023 (Annexure P-7) and 09.10.2023 (Annexure P-8) issued by respondent No.2 vide which the petitioners were directed to remove their Pucca shop stating to be encroachments failing which the petitioners would be liable for the damages, was wrong and against the principle of natural justice as the said impugned notices were issued without any prior show cause notice/notification, arbitrarily, without giving any opportunity of being heard. Further prayer has been made that the demarcation of the land may kindly be reconducted in the presence of the petitioners as at the time of demarcation dated 17.05.2023 (Annexure P-5) none of the petitioners was called at the spot nor they were informed prior to the demarcation. Further prayer has been made for issuance of directions to the respondents not to demolish the pucca shops of the petitioners which were constructed about 50 years back and they are

paying the rent regularly to MC Kanina (respondent No.4) and are the only livelihood for the poor shop keepers. Further prayer has been made for staying the proceedings of the impugned notices dated 20.09.2023 (Annexure P-7) and 09.10.2023 (Annexure P-8) issued by respondent No.2 during the pendency of the present writ petition.

It has been contended by counsel for the petitioners that the petitioners are in possession of the property from the last more than 50 years and they are paying the rent as well to the MC. He submits that without following the due process, the petitioners are being forcibly removed from the land in dispute.

Notice of motion.

On asking of the Court, Ms. Upasana Dhawan, AAG, Haryana accepts notice on behalf of the respondents-State. She, on instructions from Mr. Alok Kumar, SDO Narnaul, has submitted that the land in dispute is in the ownership of Haryana PWD (B&R) Branch, Narnaul. She submits that time and again, notices have been issued to the petitioners but neither they appeared nor filed any objections till date. She further submits that now the Executive Engineer has again issued the notices dated 03.10.2023 and 06.10.2023 under Section 7 of the Haryana Road Infrastructure Protection Act, 2017 but neither they appeared nor filed any reply/objections. She submits that in case the petitioners file any objections/reply to the same, the same would be dealt with in accordance with law.

Heard. After hearing counsel for the parties and perusing the record, the present petition is disposed of with liberty to the petitioners to approach the concerned authority and file their reply/objections to the

notice issued within one week. The competent authority concerned would decide the same in accordance with law preferably, within one month from the date of filing of the reply/objections. No coercive action would be taken against the petitioners till the decision of their reply/objections if any filed.

08.02.2024
m. sharma

(RAJESH BHARDWAJ)
JUDGE

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

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CWP-191-2024

**BALDEV SINGH AND OTHERS
V/S
SUPERINTENDING CANAL OFFICER AND OTHERS**

Present :- None.

In view of the written request for adjournment circulated on
behalf of counsel for the petitioners, adjourned to 22.02.2024.

08.02.2024
m. sharma

**(RAJESH BHARDWAJ)
JUDGE**