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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-30343-2022 (O&M)
Date of Decision: February 29, 2024

Balwan and others

.....Petitioners

Versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE RAJESH BHARDWAJ

Present: Mr.Chanderhas Yadav, Advocate
for the petitioners.

Ms.Upasana Dhawan, AAG, Haryana.

Mr.Vivek Chauhan, Advocate
for respondent No.4.

Mr.Sanjay Mittal, Advocate
for the applicant.

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RAJESH BHARDWAJ, J.(ORAL)

CM-1979-CWP-2024

Instant application has been filed praying for impleading the applicant-Ritindeep as party/respondent No.5 in the main case.

After hearing learned counsel for the parties and for the reasons mentioned in the application, the same is allowed. Applicant-Ritindeep son of Sh.Rajender Singh Kadian is ordered to be impleaded as party/respondent No.5 in this case. Amended memo of parties is taken on record.

Main case

Petitioners have approached this Court praying for setting aside challenging notice/order dated 15.12.2022, Annexure P-5, vide which the respondent/authorities have asked the petitioners to remove their kiosks

(Khokas), which have been constructed on the side of the road, after leaving the road. It is also prayed to issue direction to respondent No.2 to consider the case of the petitioners as per Section 182 of the Haryana Municipal Act, 1973 (for short, 'the Act') specifically in the circumstances as petitioners are small time barber, cycle repair worker, juice shop etc. and they are working at the given place for the last more than 30 years. It is also prayed to stay the demolition of the Kiosks during pendency of the present petition.

Learned counsel for the MC has reiterated his argument that Notices under Section 182 of the Act were issued way back in the year 2021 and further action would be taken in accordance with law.

However, learned counsel for the petitioners submits that the petitioners be permitted to file a fresh representation before respondent No.4/MC and respondent No.4 be directed to decide the same in a time bound manner after hearing the petitioners in person.

In view of the above the present petition is disposed of with a direction that in case petitioners file a fresh representation before respondent No.4-MC within ten days from today then respondent No.4/MC is directed to decide the same expeditiously preferably within four weeks from its receipt in accordance with law, after giving personal hearing to the petitioners.

February 29, 2024

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- 1. Whether speaking/reasoned ?
- 2. Whether reportable ?

(RAJESH BHARDWAJ)

JUDGE

- Yes/No
- Yes/No