



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No.32290 of 2024 (O&M)
Date of Decision :04.12.2024

Rajinder Singh Chaprana
.....Petitioner

Versus

State of Haryana and others
..... Respondents

CORAM: HON'BLE MR.JUSTICE ARUN PALLI
HON'BLE MR.JUSTICE VIKRAM AGGARWAL

Present : Mr. Rajendar Chhokar, Advocate for the petitioner.

Mr. Ankur Mittal, Addl. A.G. Haryana with
Ms. Kushaldeep Kaur, Advocate.

ARUN PALLI, J. (Oral):

Petitioner (Rajender Singh Chaprana) has prayed for the following
substantive relief:

“Civil Writ Petition under Article 226/227 of the
Constitution of India for the issuance of a writ of mandamus for
directing the respondents to submit a detailed report that for
which purpose the residential property of the petitioner has been
demolished without serving any prior notice

And

Further directing the respondents to pay the
damages of said demolition.”

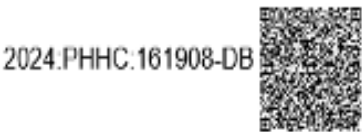
At the outset, he submits that prior to the institution of the
petition, petitioner as regards his concerns/grievances served the respondent-
authority with a legal notice dated 17.08.2024, but to no avail.

Served with the advance copy of the petition, Mr. Ankur Mittal,
Addl. Advocate General, Haryana, is present in Court for the respondents. He
vehemently disputes the claim of the petitioner and submits that in fact he had



created an unauthorized colony in violation of the Punjab Scheduled Roads and Controlled Areas Restriction of Unregulated Development Act, 1963. Resultantly, he was served with a show cause notice under Section 12(2) of the Act on 02.12.2015, followed by an order of demolition on 14.12.2015. For, the petitioner was also liable to be prosecuted, an FIR was registered against him on 30.12.2015. Whereafter a demolition drive was carried out and the unauthorized construction/structure had since been demolished. But the petitioner again re-constructed the site and the authorities were, once again, impelled to demolish the unauthorized structure on 08.08.2024. He submits that the petition is deficient of all these details, and, therefore, the same ought to be dismissed with exemplary cost. Be that as it may, he submits, for the competent authority has already in seisin of the legal notice dated 17.08.2024, alleged to have been served by the petitioner, it would be expedient, if the petition is disposed of, at this stage, to enable the respondents-authority to respond thereto and pass necessary orders thereon, in accordance with law. Further, he submits that before any such orders are passed, the petitioner shall be heard. And, the petitioner or his authorized representative may appear before District Town Planner, Palwal on 09.12.2024 at 12.30 P.M.

In response, learned counsel for the petitioner vehemently, disputes the position as sought to be narrated by learned State counsel and submits that in fact FIR registered against the petitioner had long been cancelled and nothing as such survives against the petitioner. However, learned counsel for the petitioner is agreeable to the course suggested by learned State counsel and submits that let this petition be disposed of in terms of the statement made by him. It is urged that the competent authority be directed to decide the matter within a specified time.



To this, learned State counsel submits that appropriate orders shall be passed within eight weeks from today.

The petition is, accordingly, disposed of in terms of the statements made by learned counsel for the parties.

This Court is sanguine that the respondents-authority shall look into the matter in the right earnest. And, appropriate orders, in accordance with law, shall be passed within the time indicated by the learned State counsel.

Needless to assert that this order shall not constitute any expression of opinion on the merits of the case of either party, for, as indicated above, the competent authority shall examine the claim/grievance of the petitioner, strictly in accordance with law.

However, the petitioner, if so advised, would be at liberty to seek appropriate remedy under General Common Law as regards damages by way of compensation owing to alleged demolition of structure.

(ARUN PALLI)
JUDGE

(VIKRAM AGGARWAL)
JUDGE

04.12.2024
Manoj Bhutani

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