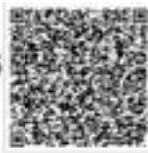


2024.PHHC.160876



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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CWP-32240-2024
Date of Decision: 03.12.2024

Prem Lata @ Prem Lata Lalit and others

..... Petitioners

Versus

Municipal Corporation, Gurugram and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present: Mr. Viren Jain, Advocate and
Mr. Manik Makkar, Advocate
for the petitioners.

Mr. Arvind Seth, Advocate
for respondents No.1 to 3-MC.

Ms. Upasana Dhawan, AAG, Haryana.

HARSH BUNGER J. (ORAL)

The present writ petition has been filed under Article 226 of the Constitution of India seeking a writ in the nature of *Certiorari* for setting aside the notice dated 19.11.2024 (Annexure P-18) bearing No. MCG/Enf./JC-1/2024/8386, issued by respondent No.3-Joint Commissioner-I, Municipal Corporation Gurugram.

1.1. A further prayer has been made seeking a writ in the nature of *Mandamus*, directing the respondents to supply the purported notice/order

dated 21.05.2021 and 10.07.2021 respectively.

2. Learned counsel for the petitioners submits that Municipal Corporation, Gurugram has not supplied any order passed under Section 261 of Haryana Municipal Corporation Act, 1994 (for short the 1994 Act) to the petitioners.

3. At this stage, Mr. Arvind Seth, Advocate appears on behalf of the respondent No. 1 to 3-MC, in pursuance of the advance copy of paper book having been served upon MC, and submits that order dated 10.07.2021 was pasted on the door of the premises in question.

3.1. Learned counsel representing respondents No. 1 to 3-MC has placed on record copy of demolition order bearing No. MCG/Enf./JC-1/2021/2181 dated 10.07.2021. A copy thereof has also handed over to the learned counsel for the petitioners in the Court today itself.

3.2. He further submits that the aforesaid order dated 10.07.2021 passed under Section 261(1) of the 1994 Act is appealable under Section 261(2) of the 1994 Act.

4. In view of the aforesaid submissions made by learned counsel for respondents No.1 to 3-MC, learned counsel for the petitioners submits that he may be permitted to withdraw the instant writ petition with liberty to the petitioners to avail their remedy of appeal against order dated 10.07.2021, before the competent authority within a period of two weeks from today. Further, he prayed that in the meanwhile no coercive action be taken against the petitioners.

5. Learned counsel for respondents No.1 to 3-M.C does not raise any dispute to the aforesaid course of action.

6. Keeping in view the aforesaid submissions made by learned counsel for the respective parties, the present writ petition is dismissed as

withdrawn with liberty to the petitioners to avail their remedy of appeal against order dated 10.07.2021, in accordance with law.

6.1 In case, any such appeal is filed on behalf of the petitioners within a period of two weeks from today, the same shall be decided by the concerned authority, in accordance with law after affording due opportunity to the petitioners.

6.2. Further it is directed that for a period of two weeks from today, any action in furtherance to notice dated 10.07.2021 be kept in abeyance.

6.3. In case no such appeal is filed within a period of two weeks from today, then the concerned authorities would be at liberty to proceed against the petitioners/property in question, in accordance with law.

7. It is made clear that the concerned authorities shall proceed in the matter without being influenced by anything observed in this order.

8. All pending application(s), if any, shall also stand closed.

03.12.2024

Pd

(HARSH BUNGER)
JUDGE

1. Whether speaking/reasoned : Yes/No

2. Whether reportable : Yes/No