



CWP-33211-2024 (O&M); CWP-33231-2024 (O&M)
along with
CWP-33235-2024 (O&M)

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140, 143 & 144 (3 cases)

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CWP-33211-2024 (O&M)
CWP-33231-2024 (O&M)
CWP-33235-2024 (O&M)
Date of Decision: 10.12.2024

(I)

CWP-33211-2024 (O&M)

Surinder Kalra

..... Petitioner

Versus

Municipal Corporation, Ambala and others

..... Respondents

(II)

CWP-33231-2024 (O&M)

Surinder Kalra

..... Petitioner

Versus

Municipal Corporation, Ambala and others

..... Respondents

(III)

CWP-33235-2024 (O&M)

Suresh Kalra

..... Petitioner

Versus

Municipal Corporation, Ambala and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present : Mr. Amit Jhanji, Senior Advocate assisted by
Mr. Abhishek Kumar, Advocate
for the petitioner(s) (in all cases).

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along with
CWP-33235-2024 (O&M)

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HARSH BUNGER, J. (Oral)

1. This order shall dispose of three writ petitions, bearing CWP-33211-2024, CWP-33231-2024 and CWP-33235-2024. For the purpose of passing this order, the facts are being taken from ***CWP-33211-2024***.

2. The present petition (CWP-33211-2024) has been filed under Articles 226/227 of the Constitution of India *inter alia* seeking a writ in the nature of Certiorari for setting aside the impugned letter No. M.C.A./B.B./2024/294 dated 05.12.2024 (Annexure P/12) issued by respondent No.3 (Executive Engineer, Municipal Corporation, Ambala, whereby the petitioner(s) have been directed to remove the unauthorized construction within a period of three days.

3. Learned senior counsel representing the petitioner(s) submits that the petitioner(s) have already availed their remedies against the aforesaid letter dated 05.12.2024 (Annexure P/12) by filing appeal under Section 261 (2) of the Municipal Corporation Act, 1994, however, the new Presiding Officer, although appointed but has not joined the office and for that reason, neither the appeal(s) of the petitioner(s) nor their stay applications filed along with the said appeal(s) have been heard.

4. On advance service of copy of petition(s), Ms. Upasana Dhawan, AAG, Haryana appears on behalf of the respondent-State.

5. Learned State counsel on instructions from Ms. Samta, ADA, Divisional Commissioner, Ambala, submits that the new Presiding Officer is likely to join the office within a period of three days and the appeal(s) along with the stay applications filed by the petitioner(s) are now pending

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consideration for 17.12.2024. It is further submitted that in all probability the stay applications filed along with the statutory appeal(s) preferred by the petitioner(s) shall be considered and decided by the concerned Officer/Authority on the date fixed i.e. 17.12.2024 and in any case, not beyond a period of three weeks thereafter, after affording due opportunity of hearing to the parties.

6. Keeping in view the above, the present Writ Petitions are disposed of with a direction to the concerned Officer/Authority to consider and decide the stay applications filed along with the appeal(s) preferred by the petitioner(s), on the date fixed i.e. 17.12.2024 and in any case, not beyond a period of three weeks thereafter.

6.1 It is further directed that till the time the aforesaid stay application(s) are decided, status quo shall be maintained by the parties.

6.2 It is made clear that the appellate Authority shall consider the stay application(s)/appeals filed by the petitioner(s) on its own merits and without being influenced by anything observed in this order or by the fact that order of status quo has been passed by this Court.

7. All pending applications (if any) shall also stand closed.

8. Photocopy of this order be placed on the file of connected case.

10.12.2024
Himani

(HARSH BUNGER)
JUDGE

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