



**COC-201-2024 (O&M)**

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

**COC-201-2024 (O&M)**

**Date of Decision: September 10, 2025**

H.S. Chimni

.....Petitioner

Vs.

Manish Yadav and another

.....Respondents

**CORAM: HON'BLE MRS. JUSTICE SUDEEPTI SHARMA**

Present: Ms. Shruti Mandhotra, Advocate  
for the petitioner.

Mr. Harish Nain, A.A.G. Haryana

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**SUDEEPTI SHARMA J. (Oral)**

1. The present contempt petition has been filed for deliberate and intentional disobedience of order dated 20.09.2023 passed by Assistant Cooperative Societies Gurugram in case titled as “*Sh. H.S. Chimni v. Smt. Poonam Jain and others*”

2. The relevant portion of order dated 20.09.2023 passed by Assistant Cooperative Societies Gurugram is reproduced as under:-

*“The petitioner and respondent No. 5 have appeared. In view of the matter Interim order have been passed to status quo be maintained till the next date of hearing.”*

3. In compliance of the above order, counter affidavit of Manish Yadav, District Town Planner (Enf.), Gurugram has been filed on behalf of respondent No. 1. The operative part of which reads as under:-

*“5. That construction in the form of boundary wall and two numbers of rooms OF had been raised without sanctioning of building plans on Plot No. 714 measuring 250 sq. yards at*

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*Saraswati Kunj Society. Accordingly, a Show Cause Notice under Section 10 (2) of the Act of 1975 was issued by the answering respondent vide office memo No. 18510 dated 06.10.2023 wherein the petitioner was directed to show cause as to why he should not be ordered to restore the land to original state and also to appear for personal hearing 10.10.0023. The above said notice was sent to the petitioner through Speed Post. However, the petitioner neither appeared on the said date for personal hearing nor submitted any reply to the show cause notice dated 06.10.2023 Copy of the show cause notice dated 06.10.2023 and photocopy of Speed Post is attached as Annexure R-2 and R-3 respectively.*

6. *That accordingly, a restoration order under Section 10(2) of the Act of 1975 was passed by the answering respondent vide office memo no. 19939 dated 25.10.2023 directing the petitioner to restore the land and its conformity with approved layout plans as well as the provisions of the Act/Rules framed thereunder, failing which appropriate necessary legal action will be taken against him to give effect to this order. Copy of the order dated 25.10.2023 and the postal receipts vide which the above said letter was sent to the petitioner through Speed Post is attached as Annexure R-4 and R-5 respectively.*

7. *That in reply to the same, Sh. Harvinder Singh Chimni through authorized representative Sh. Dushyant Chaudhary has replied vide letter dated 07.11.2023 (Annexure P-10) received in the office of deponent on 08.11.2023. After considering the reply unsatisfactory and for non-compliance of order dated 25.10.2023*

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*passed by the answering deponent, the unauthorized construction being raised by the petitioner at the site in dispute was got demolished with the help of the local administration on 04.12.2023. Therefore, the illegal construction raised without any sanctioned building plans as well as without any permission of Competent Muthority was demolished in due course of law.*

8. *That the department of answering respondent has concern only with the construction part of the building. The illegal constructions would frustrate the very purpose of grant of license for development of the colony under the provisions of the Act of 1975, since the construction being raised by the petitioner was in violation of the provisions of Section 3(1) of the Haryana Development and Regulation of Urban Areas Act, 1975, therefore the same was demolished in due course of law.*

9. *That plea of the petitioner that show cause notice 06.10.2023 or the order dated 25.10.2023 issued under Section 10 (2) of the Act of 1975 were not received by him is also baseless*

*It is submitted that the show cause notice dated 06.10.2023 and 25.10.2023 were sent to the petitioner through speed post. Further copy of notice was also pasted at site by the office of the answering respondent Annexure R-6. Hence, the show cause notice and the restoration orders are deemed to have been delivered to the petitioner. Moreover, this was a case of raising of unauthorized construction without approval of the building plans from the competent Authority.*

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*11. That there is no disobedience or violation on the part of answering deponent of any order passed by the Hon'ble Court. Moreover, the answering deponent never arrayed as party in a private dispute of ownership continuing before the Assistant Registrar, Co-operative Societies therefore question of disobedience of any order passed in such litigation, on the part of answering deponent does not arise at all."*

4. A perusal of the above shows petitioner has apprised Assistant Cooperative Societies Gurugram as well regarding demolition and Assistant Cooperative Societies Gurugram, vide order dated 05.12.2023 has already issued show cause notice to the respondent for explaining the respondents in not following directions.

5. In fact the petitioner has availed the parallel remedy at the same point of time.

6. In view of the above, the present contempt petition is dismissed.

**(SUDEEPTI SHARMA)**  
**JUDGE**

**September 10, 2025**

Gaurav Arora

Whether speaking/non-speaking : Yes/No  
Whether reportable : Yes/No