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248 IN THE HIGH COURT OF PUNJAB AND HARYANA
 AT CHANDIGARH

LPA-224-2021(O&M)

Date of decision: 27.11.2025

SECRETARY, MUNICIPAL COMMITTEE,
TAURU, MEWAT, HARYANA

...APPELLANT

VERSUS

DEVENDER KUMAR AND ORS.

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI
 HON'BLE MR. JUSTICE VIKAS SURI

Present: Mr. Jatinder Nagpal, Advocate for the appellant.

Mr. Devender Kumar, respondent No.1 in person alongwith
his son Sarthi with
Mr. Kul Bhushan Sharma, Advocate.

Mr. Aman Mittal, DAG, Haryana.

Mr. Ghulam Nabi Malik, Advocate for respondent No.6.

HARSIMRAN SINGH SETHI, J. (ORAL)

1. The present appeal has been filed by the Municipal Committee, Tauru, District Mewat against the order dated 16.12.2020 passed by the learned Single Bench, wherein a direction has been given that in case respondent submit a building plan for the *post facto* approval, so that the Municipal Committee should process the same in accordance with law of Haryana Municipal Act, 1973

2. Learned counsel appearing on behalf of the appellant-Municipal Committee submits that the directions have been given to Municipal Committee to pass the building plans submitted by the private respondent(s).

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Though, it is a conceded fact that the owner of the said land is Wakf Board, Municipal Committee unless and until receive no objection from Wakf Board, the building plans cannot be approved or accepted merely on the basis of the occupation of the property in question, without proving ownership.

3. Learned counsel appearing on behalf of respondent No.6-Haryana Wakf Board submits that property is concededly in the possession of the private respondent, namely, Devender Kumar. He further submits that as Devender Kumar is not signing a lease agreement afresh, a suit has been filed by Wakf Board against Devender Kumar that he should enter into lease afresh, otherwise, the possession of the property be reverted back to the Wakf Board. He further submits that the Wakf Board has no objection of passing of the building plans directed by the learned Single Bench but the same should be subject to the outcome of the suit filed by the Wakf Board that in case, tomorrow the possession of the land is to be reverted back to the Wakf Board, no benefit on the basis of the construction allowed should be given to either Devender Kumar or anybody else who is raising construction on behalf of Devender Kumar.

4. Learned counsel for respondent No.1 on instructions from Devender Kumar, who is present in Court submits that the construction will be raised at the own risk and at responsibility of Devender Kumar subject to the outcome of the suit filed by the Wakf Board claiming the possession of the property back. Hence, the Municipal Committee should have no objection once, the parties are agreeable that in case suit filed by the Wakf Board claiming the possession of the property in question is allowed in favour of the Wakf Board, the possession of the property will be handed over to the Wakf Board

irrespective whether any construction has been raised or not and no benefit on

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the basis of such raised construction will be claimed by Devender Kumar.

5. We have heard learned counsel for the parties and have gone through the record with their assistance.

6. Once, the only objection raised by the Municipal Committee is that the building plans submitted by Devender Kumar for raising construction can not be approved, unless no objection is given by the owner of the property i.e. Wakf Board. Keeping in view the fact which have been recorded herein before, the learned counsel appearing on behalf of respondent No.6-Wakf Board has stated that they have no objection of approving of the building plan by the Municipal Committee, Tauru subject to that in case, the suit filed by the Wakf Board seeking possession of the property in question is allowed in their favour, no benefit of the such construction raised will be taken by Devender Kumar or anybody else on behalf of Devender Kumar. That being so, the present appeal is disposed of with the observations that the Municipal Committee, Tauru will comply with the direction given by the learned Single Bench qua the building plans submitted for raising construction on the property in question on behalf of Devender Kumar in accordance with law by treating that there is a no objection of considering the said building plans on behalf of the Wakf Board.

7. It is noticed that Devender Kumar or anyone else on behalf of Devender Kumar will be bound by the undertaking recorded herein before to the effect that in case, Wakf Board is allowed the possession of the property in question, in a suit which is pending between the parties, any construction raised will not give any benefit to Devender Kumar or anyone else. Further, the property will revert back to Wakf Board including the construction so

raised and Devender Kumar or anyone else on behalf of Devender Kumar will

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not claim any compensation for such construction raised, which construction is being raised solely at his own risk and responsibility by Devender Kumar. Such undertaking will also be submitted by Devender Kumar to the Municipal Committee as well as to the Wakf Board before the plans are approved by the authority concerned.

8. It may be noticed that the said order is being passed in the presence of Devender Kumar, who is present in Court along with his son, Sarthi, who is also an Advocate.

9. Ordered accordingly.

[HARSIMRAN SINGH SETHI]
JUDGE

[VIKAS SURI]
JUDGE

27.11.2025
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Whether speaking/reasoned: Yes/No
Whether reportable: Yes/No