



CWP-11626-2025

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

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CWP-11626-2025

Date of Decision: 16.05.2025

Starline Agencies

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: - Mr. D.S. Patwalia, Senior Advocate with
 Mr. Adityajit Singh Chadha, Advocate and
 Ms. Priyanka Chaudhary, Advocate for the petitioner
 Ms. Rajni Gupta, Additional Advocate General, Haryana
 Mr. Ravish Kaushik, Advocate and
 Mr. Akshay Kumar Dahiya, Advocate for respondent No.2
 (assisted by Mr. Sushil, Junior Engineer)
 Mr. R.K. Doon, Advocate for respondent No.3

JAGMOHAN BANSAL, J. (Oral)

1. On 06.05.2025, this Court passed the following order: -

“The respondent by impugned order has ordered to seal premises of the petitioner wherein it is carrying out activities relating to Mandap Keeper. The respondent in the impugned order has alleged that petitioner has carried out construction in violation of approved building plan. The power has been exercised under Section 263-A of The Haryana Municipal Corporation Act, 1994.

Mr. D.S. Patwalia, Sr. Advocate submits that there was no illegal/unauthorized construction going on in the premises in question. The respondent in haste has passed impugned order. The said order has been passed in violation of fundamental right to carry out business and trade guaranteed by Article 19(1)(g) of Constitution of India. He prays that a Local Commissioner may be appointed to ascertain factual



position because impugned notices as well as orders are silent qua alleged construction.

This Court proposed name of Mr. Raman Sharma, Advocate and Ms. Rajni Gupta, Advocate, who are holding position of Additional Advocate General in the State of Haryana.

Mr. Patwalia agreed to names proposed by this Court. Accordingly, Mr. Raman Sharma and Ms. Rajni Gupta, Advocates are hereby appointed as Local Commissioners to ascertain factual position and submit their report before the adjourned date.

They will visit premises in question today itself at 4.00 P.M. One Engineer from the office of Municipal Corporation, Panchkula would assist the Local Commissioners. The petitioner may also depute one representative. Owner of the premises i.e. Mr. Abhay Ram Dahiya-respondent No.3 shall supply copy of sanctioned plan to Local Commissioners. The Local Commissioners would be paid Rs.50,000/- each at the time of visit by petitioner.

Adjourned to 09.05.2025.”

2. The report of Local Commissioner which is on record reveals that impugned order has been passed in gross violation of Section 261 and 263 of Haryana Municipal Corporation Act, 1994 (for short ‘**1994 Act**’). It is a *prima facie* case of misuse of power and abuse of process of law. The action of Commissioner, Municipal Corporation deserves to be deprecated. There is violation of not only provisions of 1994 Act but also Article 19(1)(g) of the Constitution of India.

3. Faced with this, learned counsel for respondent No.2 on instructions from Mr. Sushil, Junior Engineer, submits that impugned order is treated as withdrawn and fresh order, if any, would be passed after complying with mandate of Section 261 read with Section 263 of 1994 Act.



4. In the wake of statement of learned counsel for respondent No.2, the present petition stands disposed of.

(JAGMOHAN BANSAL)
JUDGE

16.05.2025
Mohit Kumar

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