

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****136****CR-7204-2024 (O&M)****Date of decision: 22.09.2025****Vikas Rana****...Petitioner(s)****Vs.****Municipal Corporation, Gurugram****...Respondent(s)****CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA**

Present:- Mr. Mayank Bajaj, Advocate for the petitioner.

Mr. Prateek Mahajan, and
Ms. Perna Malhotra, Advocates
for the respondent.

NIDHI GUPTA, J.

Present Civil Revision Petition has been filed by the plaintiff under Article 227 of Constitution of India seeking setting aside of the Impugned Order dated 08.11.2024 (Annexure P-10) passed by learned Additional District Judge, Gurugram whereby the order dated 01.04.2019 (Annexure P8), passed by learned Civil Judge (Junior Division), Gurugram dismissing the petitioner's application seeking ad-interim injunction in Civil Suit bearing No. 991/2019, has been upheld.

2. Brief facts of the case in chronological order are as follows: -

01.03.2019: The petitioner was served with Show Cause Notice dated 01.03.2019 (Annexure P1) by the respondent as to why illegal construction raised by the petitioner should not be demolished.



07.03.2019: In response to above said Show Cause Notice, petitioner had filed reply dated 07.03.2019 (Annexure P2) stating that he is only repairing old structure; and that it was not new construction.

22.03.2019: The respondent passed a Demolition Order dated 22.03.2019 (Annexure P3) under Section 261(1) of the Haryana Municipal Corporation Act, 1994 (hereinafter 'the Act').

30.03.2019: The petitioner had filed a suit dated 30.03.2019 (Annexure P4) seeking permanent injunction against the respondent restraining it from illegally demolishing the construction on the suit land.

01.04.2019: Alongwith the suit, petitioner had also filed an application dated 01.04.2019 (Annexure P6) under Order 39 Rules 1 and 2 CPC seeking ad interim injunction against the defendant from demolishing construction. Vide order dated 01.04.2019 (Annexure P8), the said application was dismissed by Id. Civil Judge, (Junior Division), Gurugram.

11.04.2019: Against the same, petitioner had preferred Civil Miscellaneous Appeal No. 68 of 2019 (Annexure P9).

08.11.2024: The above said appeal was dismissed by the learned Additional District Judge, Gurugram vide impugned order dated 08.11.2024 (Annexure P10).

3. Hence, the present Civil Revision Petition.

4. It is *inter alia* submitted by learned counsel for the petitioner that in passing the impugned order dated 08.11.2024, the learned Courts below have failed to take into consideration that the petitioner has made out prima facie case in his favour; that balance of convenience



is in favour of the petitioner; and that denial of temporary injunction in favour of the petitioner would result in irreparable loss and injury to the petitioner. It is submitted that the Courts below have failed to appreciate that construction on the land was ancestral and old, not new. It is contended that learned Courts below erred in ignoring the fact that the petitioner had clearly pleaded that he was only getting done some maintenance work and whitewash of the said property, which was near completion.

5. It is accordingly prayed that the present Civil Revision be allowed as the impugned order suffers from inherent error and deserves to be set aside.

6. *Per contra*, learned counsel appearing on behalf of the respondent vehemently opposes submissions of the petitioner and submits that there are clear concurrent findings of the learned Courts below which the petitioner is unable to dispute. It is further submitted that the construction raised by the petitioner is illegal, and therefore, there is no prima facie case in favour of the petitioner. He prays for dismissal of the present Civil Revision Petition.

7. No other argument is made by Id. counsel for the parties. I have heard Id. counsel and perused the case file in detail.

8. Brief facts of the case have already been recounted above. It has been contended by the petitioner that suit property is ancestral and old construction; and that no new construction has been raised by him. However, it has been concurrently found by both the Courts below that



the suit property is neither residential house nor business place of the petitioner; thereby giving weight to the assertions of the respondent that the plaintiff has been raising unauthorized construction for commercial purpose without taking necessary permission from the respondent Municipal Corporation, Gurugram. The learned Additional District Judge has categorically noted in the order dated 08.11.2024 that even from the photographs produced by the respondent, it was clear that *“construction was quite new. Even during the course of arguments, the respondent had produced the photographs which shows that on 27.02.2019 fresh construction was raised.”*

9. Furthermore, the Demolition Order dated 22.03.2019 (Annexure P3) is an appealable order under Section 261(2) of the Act of 1994. It is open for the petitioner to file an appeal before the Divisional Commissioner, Gurugram. Last but not the least as per Section 261(4) of the Act, jurisdiction of the Civil Court is barred.

10. Learned counsel for the petitioner is unable to dispute or controvert the above said legal and factual position.

11. In view of the above, no ground is made out to interfere in the impugned order. The present Civil Revision Petition stands **dismissed**.

12. Pending application(s), if any, also stand(s) disposed of.

22.09.2025

Divyanshi

(NIDHI GUPTA)
JUDGE

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