



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

RSA-2143-2022 (O&M)

Date of Decision : 20.01.2026

Jeetram @ Jitendra Singh

... Appellant

Versus

Municipal Corporation of Gurgaon

... Respondent

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Vikrant Rana, Advocate for the appellant.

Ms. Prerna Malhotra, Advocate for the respondent.
(through hybrid mode).ALKA SARIN, J. (Oral)

1. Present appeal has been preferred by the plaintiff-appellant challenging the order dated 21.09.2021 passed by the Trial Court whereby the suit filed by the plaintiff-appellant was rejected under Order VII Rule 11 of the Code of Civil Procedure, 1908 being barred by the provisions of Section 408C of the Haryana Municipal Corporation Act, 1994 as also under Section 41(h) of the Specific Relief Act, 1963 and challenge is also laid to order dated 02.02.2022 whereby the appeal filed against order dated 21.09.2021 passed by the Trial Court was also dismissed.

2. Learned counsel for the appellant would contend that show cause notice was not issued to the plaintiff-appellant hence the suit would be maintainable.

3. Heard.

4. Both the Courts concurrently found that Section 408C of the Haryana Municipal Corporation Act, 1994 clearly bars the jurisdiction of the Civil Court. In the present case the suit was filed for restraining the defendant-respondent from demolishing or taking any coercive action against the property of the plaintiff-appellant. The remedy available with the plaintiff-appellant is to prefer an appeal before the Commissioner. The jurisdiction of the Civil Court is specifically barred under Section 408C of the Haryana Municipal Corporation Act, 1994. Once the challenge is to the demolition order qua which efficacious remedy is available to the plaintiff-appellant, he ought to have resorted to the same rather than filing the present suit.

5. In view of the above, I do not find any merit in the present appeal. No question of law much less substantial question of law arises in the present case. The appeal is accordingly is dismissed. Pending applications, if any, also stand disposed off.

20.01.2026

jk

(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO