

CR-2870-2026 (O&M)

2026.PHHC:069755



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

CR-2870-2026 (O&M)

Date of decision : 05.05.2026

Ravinder @ Ravinder Kumar & anr.

..... Petitioners

versus

Rekha Rani & ors.

..... Respondents

CORAM : HON'BLE MR.JUSTICE PANKAJ JAIN

Present :- Mr. Chanderhas Yadav, Advocate for the petitioners.

Mr. Kabir Sarin, Advocate

Mr. R.D.Gupta, Advocate for respondents No.1 to 6.

Mr. Sukhdeep Parmar, Advocate for respondents No.7 to 10.

PANKAJ JAIN, J. (ORAL)

CM-7695-CII-2026

For the reasons recorded in the application, the same is allowed.

Documents Annexures P-19 & P-20 are taken on record.

CM-8421-CII-2026

For the reasons recorded in the application, the same is allowed.

Documents Annexures R-1 to R-10 are taken on record.

CR-2870-2026

1 Present revision petition is directed against the order dated
27.03.2026 (Annexure P-17) passed by Additional District Judge, Jhajjar.



2 On 02.04.2026 this Court passed the following order :-

“Present revision petition arises out of order dated 27.03.2026 passed by Additional District Judge, Jhajjar, whereby the Appellate Court reversed the order passed by the Court of First Instance under Order XXXIX Rule 1 and 2 CPC dismissing the application of the present petitioner.

The dispute between the parties relates to construction being raised by respondents No.1 to 6. Plaintiff has filed suit claiming that the construction being raised by respondents No.1 to 6 is in violation of the sanctioned site plan (P-11). The municipal authorities, i.e. respondents No.7 to 10 are deliberately not acting despite there being violation of the site plan. Respondents No.1 to 6 have no right to raise illegal construction, that too, to the peril of the plaintiff.

In the considered opinion of this Court, the entire controversy can be resolved, if the municipal authorities get rid of inertia and discharge their duties diligently.

During the course of arguments, it was asked if the municipal authorities are ready to inspect the construction and decide whether the construction raised by respondents in violation of the sanctioned site plan (if any) is permissible under law or not.

Notice of motion. Process dasti only qua respondents No.1 to 6 for 06.04.2026.

Mr. Sukhdeep Parmar, Advocate appears on behalf of respondents No.7 to 10 and submits that municipal authorities will inspect the construction and submit report on or before next date of hearing.

A copy of this order be given to the counsel(s) under the signatures of Bench Secretary.”

3 Inspection-cum-status report by way of affidavit of Devinder Kumar, Executive Officer, Municipal Council, Jhajjar has been filed. The same reads as under :-

“ I, the above named Deponent, working as Executive Officer, Municipal Council, Jhajjar, Haryana, do hereby solemnly affirm and state as under:



1. That the deponent is the Executive Officer, Municipal Council, Jhajjar and is duly authorized and competent to submit the present inspection-cum-status report by way of affidavit on behalf of respondents No. 7 to 10.
2. That the present inspection-cum-status report by way of affidavitis being filed in compliance of the order dated 02.04.2026 passed by this Mon'ble Court, whereby the answering respondents were directed to inspect the construction in question and submit a report.
3. That in compliance of the aforesaid directions, the site in question was inspected on dated 03-04-2026 by the Municipal Engineer, and Building Inspector of Municipal Council, Jhajjar and the record available in the office of Municipal Council, Jhajjar was also examined.
4. That as per record, Mrs. Rekha Rani, wife of Shri Hemchand, and others namely Shri Hemchand son of Shri Nivas and Ritu daughter of Shri Hemchand, constructed a building on their plot measuring 205.17 sq. meters after obtaining approval from the Municipal Council, Jhajjar vide approved commercial building plan No. U.L.B. 12684/24-25 dated 15.04.2024. As per available records and site inspection, construction work was initiated accordingly.
5. That during construction, a complaint was filed by the revisionist/plaintiff Shri Ravinder son of Shri Surat Singh, upon which action was taken by the Municipal Council, Jhajjar. Notices were issued to Mrs. Rekha Rani/Respondent no. 1 and others under Sections 208 and 181 of the Haryana Municipal Act, 1973, dated 26.05.2025, for carrying out construction beyond the sanctioned plan.
6. That as per the record available in Municipal Council, Jhajjar and site inspection, the details of sanctioned plan and deviations are as under:

Sr.No.	Floor details	Permissible covered area (sq.M.)	Sanctioned covered area (sq.M.)	Compoundable Area (5%) as per byelaws (sq.M.)	Total covered area after compounding (sq.M.)	Actual Covered Area at site (sq.M.)	Non-compoundable area (sq.M.)
1.	Ground floor	152.94	133.93	-	-	205.17	-
2.	First floor	152.94	133.93	-	-	205.17	-
3.	Second floor	104.46	133.93	-	-	205.17	-
4.	Third floor momty	-	16.82	-	-	-	-
	Total	410.34	418.61	20.52	405.39	615.51	210.12



	Deducted stairs area	(-)	33.74				
	Sanctioned after deduction		384.87				

2. SETBACK DETAILS

Sr.No.	Setback Type	Sanctioned (Meters)	Setback	Setback at Site (Meters)
1	Front Setback	2.50		0.00
2	Rear Setback	2.50		0.00

7. That the construction at site is in clear violation of the sanctioned building plan and applicable bye-laws.

8. That the present report is being submitted before this Hon'ble Court for its kind consideration.”

4 In view of the report received from the concerned Municipal Council, the present petition is disposed off with the modification in the impugned order that the relief granted by the Lower Appellate Court shall not be an impediment for the Municipal Council from taking action against the unauthorized construction, if any raised by respondents.

5 The Municipal Council shall take action, in accordance with law, within the time stipulated under law.

6 Petition stands disposed off.

05.05.2026
Pooja Sharma-I

(PANKAJ JAIN)
JUDGE

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