



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

(340)

CR-7056-2023

Date of decision: - 15.01.2026

Maa Saraswati Institute of Engineering and Technology and others

....Petitioners

Versus

Municipal Committee Kalanaur and another

.....Respondents

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Bharat Singh, Advocate
for Mr. Keshav Pratap Singh, Advocate,
for the petitioners.

Mr. Piyush Bansal, Advocate
for respondent No.1.

VIKAS BAHL, J. (ORAL)

1. Present civil revision petition has been filed under Article 227 of the Constitution of India for setting aside/quashing of impugned order dated 19.08.2021 (Annexure P-6) passed by the Additional District Judge, Rohtak upholding and confirming the order dated 19.07.2021 (Annexure P-5) passed by the Civil Judge (Senior Division), Rohtak whereby the application filed by the petitioners under Order 39 Rule 1 and 2 CPC has been dismissed.

2. On 08.12.2023, a Co-ordinate Bench of this Court was pleased to pass the following order: -

“Present: Mr. Keshav Pratap Singh, Advocate for the petitioners.

** * * **

Learned counsel for the petitioner submits that the suit has been filed by the petitioner No.1-institution as well as other inhabitants of the area. He has also placed on the file copies of CLU (Annexure P-7 and P-8). He has further submitted that as per guidelines issued by Department of Animal Husbandry and Dairying, Govt of India for mass burial of corpses, the site is required to be at least 250 meters away from human habitat and it should not be adjoining the road. He has referred to the site plan (Annexure P-10) that the place where Hadda Rori activities are being shifted is adjoining the road and within 250 meters of the abadi area as well as the institution. The abadi area is extended with passage of time. The Appellate Court, without considering the fact that the case is at the initial stage, dismissed the application mainly on the ground that the petitioner-Institution has not issued order of change of land use and the construction has been done without any site plan.

Notice of motion for 21.03.2024.

In the meantime, status quo be maintained.

08.12.2023”

3. Learned counsel for the petitioners has submitted that the above-said interim order has continued till date and has submitted that the said order of status quo be continued till the pendency of the suit.

4. Learned counsel for respondent No.1, on the other hand, has submitted that the suit is of the year 2021 and the same is for declaration and permanent injunction and the defendants are the Municipal Committee and State of Haryana and it is prayed that the trial Court be directed to decide the said suit as expeditiously as possible and has further submitted that the grant of interim order as well as the continuance of the same should not be construed as an expression on the merits of the

case and the trial Court be requested to decide the suit independently, in accordance with law, after hearing both the parties concerned. It is further submitted that counsel for the respondents-defendants would fully assist the trial Court in the expeditious disposal of the case.

5. Learned counsel for the petitioners has submitted that they have no objection to the said course of action.

6. Keeping in view the above-said facts and circumstances and the fair stand taken by the learned counsel for the petitioners as well as by the respondent No.1, the present revision petition is disposed of with the following directions/observations: -

- (i) The interim order of status quo would be continued till the pendency of the suit. The grant and continuance of the said interim order should not be construed as an expression on the merits of the case and the trial Court would decide the suit independently, in accordance with law, after taking into consideration the pleadings, evidence and the arguments raised on behalf of the parties.
- (ii) Since the suit is of the year 2021, the trial court is requested to decide the same as expeditiously as possible.
- (ii) Counsel for all the parties, as undertaken before this Court, would fully assist the trial Court in the expeditious disposal of the suit.

January 15, 2026
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No