
(2012) 02 P&H CK 0247
In the Punjab And Haryana At Chandigarh
Case No : CWP No. 2641 of 2012

Dharampal

APPELLANT

Vs

State of Haryana and Others

RESPONDENT

Date of Decision : 21-02-2012

Acts Referred:

Haryana Municipal Act, 1973 — Section 203(1)
Punjab Municipal Act, 1911 — Section 192(1)

Citation : (2012) 02 P&H CK 0247

Hon'ble Judges : Hemant Gupta, J;A.N. Jindal, J

Bench : Division Bench

Judgement

Hemant Gupta, J.—Challenge in the present writ petition is to an order dated 1.10.1982 (Annexure P-1), whereby the plot of the petitioner was declared as a public street without affording any opportunity to raise objection or personal hearing and without compensation.

2. As per the provisions u/s 203(1)(c) of the Haryana Municipal Act, 1973, the Municipal Committee has the power to declare the part of the property not exceeding 25% of the share as public street without payment of any compensation. The said provisions as well as provisions contained u/s 192(1)(c) of the Punjab Municipal Act, 1911, came up for hearing before the Hon"ble Supreme Court in Yogendra Pal and others Vs. Municipality, Bhatinda and another, and such provisions have been struck down but with prospective effect i.e. 15.7.1994, the date of judgment.

3. In view of the said decision, the Municipal Committee was competent to include the part of the property for the purpose of public street. A finding has been recorded in the Civil Suit filed by the co-sharer of the petitioner that notice was served upon the petitioner before the land was included as a public street.

4. In view of the said fact, we do not find any merit in the present petition.

5. Dismissed.