
(2010) 10 P&H CK 0271
In the Punjab And Haryana At Chandigarh
Case No : C.W.P. No. 3049 of 1989

Dr. L.R. Sardana and Another	Vs	APPELLANT
The Haryana Urban Development Authority and Another		RESPONDENT

Date of Decision : 01-10-2010

Acts Referred:

Haryana Urban Development Authority Act, 1977 — Section 17(3)

Citation : (2010) 10 P&H CK 0271

Hon'ble Judges : Ritu Bahri, J

Bench : Single Bench

Final Decision : Allowed

Judgement

Ritu Bahri, J.—The petitioners have challenged the notice issued u/s 17(3) of the Haryana Urban Development Authority Act, 1977 (Annexures P-5 and P-6) in relation to change of use of Plot No. 840, Sector 13, Urban Estate, Karnal. In Annexure P-5, it has been mentioned that the plot was allotted for residential purposes which is now being misused by opening a shop Omang departmental store. In the writ petition, the plea is taken a plea that petitioner No. 2 is running a shop of sale of general items. There is a separate electricity connection in her name.

2. A Bunch of writ petitions i.e. Civil Writ Petition Nos. 4962, 4964, 4969, 5101, 5493, 5715, 5835, 6723, 6929, 7076, 7169, 7372, 7376, 7446, 10700, 10818 and 10223 of 1988 has been disposed of by this Court vide judgment dated 25.1.1990 by a common order made in Civil Writ Petition No. 8389 of 1988. In the index of the present writ petition, a reference has been made regarding pendency of Civil writ petition No. 4969 of 1988. In this writ petition, the main ground of challenge to the notices was that they were a tenant in the shop made by the owners. No notice had been given to them by the Estate Officer. Their interests were likely to be adversely effected and they were liable to be given hearing before an order of resumption was passed against them.

3. The Division Bench quashed the notice of resumption with liberty to the Estate Officer to pass fresh order after affording hearing to the tenants in the rented shop. The facts of the present case are similar as petitioner No. 2 is running a shop and is likely to be adversely effected by the resumption proceedings.

4. In view of the above, the writ petition is allowed in terms of Civil Writ Petition No. 8389 of 1988. Impugned noticed Annexures P-5 and P-6 are quashed.