

*Court on its Own Motion*

vs.

*State of Haryana through*

- (i) *Chief Secretary*
- (ii) *Home Secretary*
- (iii) *Home Minister*
- (iv) *Deputy Commissioner, Nuh*
- (v) *Senior Superintendent of Police, Nuh*

Present:- Mr. Baldev R. Mahajan, Advocate General, Haryana,  
Mr. Deepak Sabherwal, Addl. A.G., Haryana,  
with Ms. Shruti Jain Goyal, Sr. DAG, Haryana.

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Notice of motion.

Mr. B.R. Mahajan, Advocate General Haryana with Ms. Shruti Jain Goyal, Sr. DAG, Haryana accepts notice.

Today's news item carried in the 'Times of India' and 'The Indian Express' would go on to show that demolitions are being carried out in two districts i.e. Nuh and Gurugram. The action is stated to be on account of the fact that the individuals involved in the anti social activities had made illegal constructions. The said news item would go on to show that buildings next to the hospital in the form of commercial buildings, residential buildings, restaurants which were in existence for a long time have been brought down by bulldozers. The news item also says that the Home Minister himself has said that bulldozer are part of *illaj* (treatment) since the Government is probing communal violence. The said news items are appending alongwith the file for ready reference. Lord Acton has stated "*power tends to corrupt and absolute power corrupts absolutely*".

It is in such circumstances, we are constrained to issue notice to State as it has come to our notice that the State of Haryana is using force and is demolishing buildings on account of the fact that some riots have occurred

PUNJAB AND HARYANA HIGH COURT

20-12-2023-40395/23

Amit Gupta  
(Amit Gupta)  
Special Secretary  
Punjab & Haryana High Court  
Chandigarh

in Gurugram and Nuh. Apparently, without any demolition orders and notices, the law and order problem is being used as a ruse to bring down buildings without following the procedure established by law. The issue also arises whether the buildings belonging to a particular community are being brought down under the guise of law and order problem and an exercise of ethnic cleansing is being conducted by the State.

We are of the considered opinion that the Constitution of India protects the citizens of this country and no demolitions as such can be done without following the procedure prescribed in law. Accordingly, we issue directions to the State of Haryana to furnish an affidavit as to how many buildings have been demolished in last two weeks, both in Nuh and Gurugram and whether any notice was issued before demolition. If any such demolition is to be carried out today, it should be stopped if the procedure is not followed as per law.

To come up on 11.08.2023. Office shall register the case and allot the number to the same. We request Mr. Kshitij Sharma, Advocate to assist us on the issue involved and he is appointed as *amicus curiae* for the said purpose.

Copy of the order be given to Mr. Kshitij Sharma and counsel for the State under signatures of Bench Secretary.

sd/r

(G.S. SANDHAWALIA)  
JUDGE

sd/r

(HARPREET KAUR JEEWAN)  
JUDGE

07.08.2023

shivani

Attested  
Amit Gupta  
(Amit Gupta)  
Special Secretary 7/8/23  
Punjab & Haryana High Court  
Chandigarh