

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

Date of decision:18.03.2015.

Vikas Dudeja and others

.....Petitioners

v.

State of Haryana and others

.....Respondent

CORAM: HON'BLE MR.JUSTICE JASWANT SINGH

Present:- Mr.Jagjot Singh,Advocate for the petitioners.
Mr.Sandeep S.Mann,Sr.DAG Haryana for respondent no.1
Mr.Naveen S.Bhardwaj,Advocate for respondents 2&3
Mr.Arun Jain,Senior Advocate assisted by
Mr.Deepak Basatia,Advocate for respondent no.4.

Jaswant Singh,J.(Oral)

Six petitioners are stated to be residents of residential colony namely Rattan Garden,Gurgaon situated within the old municipal limits of Gurgaon City. By filing the present writ petition they are seeking a writ of mandamus to Municipal Corporation, Gurgaon for taking action against a Nursing Home being constructed by respondent no.4 in violation of the rules and regulations of Haryana Municipal Corporation Act,1994. It is averred that no sanction has been taken by respondent no.4 for the said construction by clubbing of four residential plots. Although the Municipal Corporation has filed its reply, however, there is no averment regarding the alleged construction by clubbing of plots. However, it is denied that before construction building plans had been got sanctioned from the Municipal Corporation,Gurgaon. Separate written statement has been filed by respondent nos.1 and 4. In the written statement filed on behalf of respondent no.1 by JS Redhu,Chief Town Planner,Haryana it has been averred that petitioners with similar allegations have already filed a suit

for injunction and therefore, parallel proceedings would not be maintainable. It has been further averred that the petitioners themselves are running printing press in their residential premises. Thus, present writ petition is an effort only to settle their personal scores.

This Court, no doubt, on previous dates of hearing had enlarged the scope of the writ petition by directing the Municipal Corporation for conducting a survey and identifying similar violations in the old city of Gurgaon. It has been given out that said exercise has been undertaken and violations identified. Therefore, it cannot be disputed that action for violation of any building plans or unauthorised construction without sanction of building plans against such violators including respondent no.4 and petitioners would be taken in accordance with rules, regulations and bye laws of the Municipal Corporation. As regards framing of comprehensive policy for regulating such activities in old Municipal limits, it is stated that within a specified time frame such a policy for convenience of the residents of the area will be framed.

In view of the aforesaid, learned counsel for the parties are agreed that no further adjudication is required.

Disposed of in the above terms.

18.03.2015.
joshi

(Jaswant Singh)
Judge