

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

CWP-19577-2015

Date of decision:- 16.09.2015

Satish Saigal and others

...Petitioners

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE S.J. VAZIFDAR, ACTING CHIEF JUSTICE
HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present: Mr. A.P. Singh Luna, Advocate,
for the petitioners.

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S.J. VAZIFDAR, A.C.J. (ORAL)

The petitioners have objected to the construction of a building on the ground that in the original layout plan the plot upon which the construction is being put up was shown as an open area/green belt.

2. It is not necessary to entertain this writ petition at this stage as the petitioners themselves state that similarly situated parties have filed a Civil Suit being No. 56 dated 19.02.2013 in the Court of Civil Judge (Junior Division), Gurgaon in which the Court has passed an order staying further construction. The Civil Suit has been filed by the Association of Apartment Owners The Close South, Nirvana Country against Unitech Limited and Pioneer Profin Ltd. - respondents No. 3 and 4 respectively in this writ petition.

3. Learned counsel appearing on behalf of the petitioners states that in any event most of the contentions raised by the plaintiff in that Suit are similar to those raised by the petitioners herein.

4. It is not necessary, therefore, at this stage to allow two parallel proceedings, albeit by different parties. The petitioners herein can always

make an application for intervention, if they so desire, in the said Suit. Needless to add, whether they are entitled to intervene or not is for the learned Civil Judge (Junior Division), Gurgaon to decide.

5. At present, the petitioners' interests are substantially protected. In the event of the Suit being decreed, the petitioners' grievance herein would stand redressed at least to a large extent.

6. In these circumstances, the writ petition is disposed of with liberty to the petitioners to file a fresh petition, if necessary.

(S.J. VAZIFDAR)
ACTING CHIEF JUSTICE

(TEJINDER SINGH DHINDSA)
JUDGE

16.09.2015
Amodh