

In the High Court of Punjab and Haryana at Chandigarh

CWP No.20870 of 2014

Date of decision: September 10, 2015

Sanjay Goel 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. Jagdish Manchanda, Advocate for the petitioners.

Mr. Rahul Devi Singh, Deputy Advocate General, Haryana.

Mr. Deepak Baliyan, Advocate
for respondent No.3.

Mr. Sushil Bhardwaj, Advocate for respondent No.6.

S.J. VAZIFDAR, ACTING CHIEF JUSTICE

One of the reliefs sought by the petitioners is a writ of mandamus directing the official respondents to acquire and construct Sector Internal Circulation Road which connects Harman City, Sector 42, Ambala with Ambala-Jagadhri highway. They also seek an order directing the respondents to

provide all other amenities. The petitioners also seek an order restraining the

respondents from charging External Development Charges as well as Infrastructure Development Charges till the acquisition and construction of the sector internal circulation road.

It is not necessary to entertain the writ petition at this stage. The development of the area outside the colony is still being undertaken. The official respondents have filed an affidavit which establishes that there is an approach road. In fact the license would not have been granted to the developer unless the approach road has been provided. From the plan annexed to the petition, it appears that there is access to the colony from other roads as well as to the main roads. As per the plan attached to the written statement, these roads are on various sides of the colony. The official respondents have filed a written statement which establishes these facts. In the written statement, it is further stated that the Senior Town Planner, Panchkula was directed to explore the possibility of acquisition of the sector dividing road of Sectors 42 and 43. Further, it is also stated that the balance unlicensed portion of the 24m road would be constructed when the sector area is acquired and developed either by some colonizer or by HUDA itself.

It is difficult at this stage to direct the respondents to perform all these activities immediately. The various other areas are yet to be developed. The petitioners claim to have purchased their plots in the year 2013. If the other development is indefinitely delayed or there is an indication that the other

sectors are not to be developed for an unduly long period of time, the petitioners shall be at liberty to seek the relief again.

At this stage, the question of the Court compelling acquisition of large properties involving a major financial burden does not arise. On the basis of the evidence on record, it is difficult for us to prioritize the expenditure to be incurred by the official respondents.

We do not intend considering the application for stay of the External Development Charges in this writ petition. The stay against the respondents demanding External Development Charges though made in prayer (ii) appears more in the nature of an interim relief pending provisions of the main roads. The petitioners are at liberty to adopt independent proceedings in respect of the External Development Charges.

In these circumstances, the writ petition is disposed of.

(S.J. Vazifdar)
ACTING CHIEF JUSTICE

(Tejinder Singh Dhindsa)
JUDGE

September 10, 2015

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