

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

CWP-22361-2014 (O&M)
Date of decision:- 02.12.2015

South City-II, Resident Welfare Association (Regd.) and another

...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. Ashwani Gaur, Advocate,
for the petitioners.

Mr. Deepak Balyan, Additional Advocate General, Haryana.

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

CM-15584-2015

Leave is granted to place on record the replication filed on behalf of the petitioners and the application is allowed.

CWP-22361-2014

The petitioners have challenged the order passed by the Principal Secretary, Government of Haryana, Town and Country Planning Department dated 23.05.2014 in Appeal No. 69 of 2011 filed by the petitioners against the order of the Director, Town and Country Planning Department.

2. The order records the rival contentions. The only operative part of the order reads as under:-

“I have gone through the facts of the case as well as the arguments made by the parties and am of the view that the present appeal is without any merit and substance and the same is hereby dismissed. However, the respondent colonizer may examine the request of the Association to provide a bigger community centre, preferably of at least one acre size located on a wider road in the colony to the extent the plan and rules of the existing colony permit, after obtaining proper sanction from the competent authority.”

3. The order does not consider any of the contentions raised by the parties.

It contains no reasons whatsoever. There are several issues including as to whether the provisions in the lay out plan were in conformity with law or not.

4. The impugned order is, therefore, quashed and set aside. The matter is remanded to the Principal Secretary for passing a fresh order after hearing the parties and furnishing the reasons.

(S.J. VAZIFDAR)
ACTING CHIEF JUSTICE

(TEJINDER SINGH DHINDSA)
JUDGE

02.12.2015
Amodh