

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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Civil Writ Petition No.19365 of 2016 (O&M)
Date of decision: December 19, 2016

Vrindavan Gardens Residents' Welfare Society (Regd.)
....Petitioner

versus

State of Punjab and others
....Respondents

CORAM: HON'BLE MR. JUSTICE AJAY KUMAR MITTAL
HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: Mr. Ashok Kumar Jindal, Advocate for the petitioner.

AJAY KUMAR MITTAL, J. (Oral)

Civil Misc. No.16270 of 2016

Annexure P-24 filed along with the application is taken on record, subject to all just exceptions. Office to tag the same at appropriate place.

CM stands disposed of.

Main Case

1. The prayer made in the instant writ petition filed under Articles 226/227 of the Constitution of India is for issuance of a writ in the nature of mandamus directing respondents No.2 to 5/competent authorities to take over the housing project (a multi-storey Group Housing Project in the name of 'Vrindavan Gardens', Peer Muchalla, Zirakpur) carved out by respondents No.10 to 12 i.e. developer/colonizer, under the Punjab Apartment and Property Regulation Act, 1995 (in short 'the Act') and to provide and complete

either itself or through the developer all the basic development works as per and in terms of Sections 5(14) and (15) of the Act. Further prayers have also been made to direct respondents No.1 to 9 to register criminal case against respondents No.10 to 12 (Promoter) in offence under the Act and initiate criminal proceedings, forfeit the bank guarantee/security and seize all their bank accounts of respondents No.10 to 12 and to restrict respondents No.1 to 9 to allow the private respondents No.10 to 12 to change the approved layout plan (**Annexure P-5**).

2. After arguing for sometime, learned counsel for the petitioner states that he may be allowed to withdraw the present writ petition with liberty to the petitioner either to approach the Civil Court by way of filing the civil suit or to approach the appropriate authorities under the Real Estate (Regulation and Development), Act, 2016 to raise all the grievances as raised in the present writ petition.

3. Dismissed as withdrawn. It shall, however, be open to the petitioner to take recourse to the remedies as may be available to it, in accordance with law.

(AJAY KUMAR MITTAL)
JUDGE

(RAMENDRA JAIN)
JUDGE

December 19, 2016

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Whether speaking/reasoned?

Yes/No

Whether reportable?

Yes/No