

CWP-24327-2015

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

CWP-24327-2015

Date of Decision: 18.05.2016

Jyoti Rani and others

... Petitioner(s)

Versus

State of Haryana and others

... Respondent(s)

**CORAM: HON'BLE MR. JUSTICE PARAMJEET SINGH
DHALIWAL**

- 1) Whether Reporters of the local papers may be allowed to see the judgment ?.
- 2) To be referred to the Reporters or not ?.
- 3) Whether the judgment should be reported in the Digest ?

Present: Mr. Arun Yadav, Advocate,
for the petitioners.

Mr. Sandeep S. Mann, Sr. DAG, Haryana.

Mr. Lokesh Sinhal, Advocate and
Mr. Anil Kumar Rana, Advocate,
for respondent Nos.2 and 3.

Paramjeet Singh Dhaliwal, J. (Oral)

Instant writ petition has been filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of mandamus directing the respondents to sanction the site plans submitted by the petitioners to respondent No.3-Executive Officer/Secretary, Municipal Council, Rewari which are pending before respondent No.4-Deputy Commissioner, Rewari and to take decision on the application for sanctioning the residential site plans submitted by the petitioners.

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I have heard learned counsel for the parties and perused the record.

It is the case of the petitioners that they submitted site plans with respondent No.3 and the same are pending before respondent No.4-Deputy Commissioner, but no decision has been taken regarding the same. Their site plans were approved by the Building Committee but now the files have been recalled by respondent No.4-Deputy Commissioner, Rewari and no decision has been taken so far.

As per Section 205 (5) of the Haryana Municipal Act, 1973, if the decision regarding sanction or declining sanction is not taken within 60 days of applying for it, then the same is deemed to be sanctioned. Since respondent No.4-Deputy Commissioner, Rewari is sitting over the files, respondent No.4 is directed to take some decision over the site plans submitted by the petitioners, in accordance with law, within a period of 15 days from the date of receipt of certified copy of this order and copies of the orders so passed shall be communicated to the petitioners. If any decision has already been taken, the same shall be communicated to the petitioners. Otherwise also, in view of the provision referred above, it will be considered as deemed sanction and the petitioners can proceed with the construction.

Disposed of in the aforementioned terms.

18.05.2016

parveen kumar

(Paramjeet Singh Dhaliwal)
Judge