

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP No. 24376 of 2016

Date of Decision: 19.12.2016

Madan Lal Manchanda and others

....Petitioners.

Versus

The Chief Administrator, HUDA, Panchkula and others

...Respondents.

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

PRESENT: Mr. Jagdish Manchanda, Advocate for the petitioners.

AJAY KUMAR MITTAL, J.

1. Through the instant writ petition filed under Articles 226/227 of the Constitution of India, the petitioners have prayed for issuance of a writ in the nature of mandamus directing respondents No.1 and 2 to dispose of their representation as the construction is going on and being covered under the Haryana Building Code, 2016 (in short "Code 2016") and the policies framed thereunder; to allow the petitioners to construct the building over plot Nos. 161P to 163, Sector 20, HUDA, Kaithal upto 5 storeyes in view of the instructions approved in terms of the Code 2016 issued by the Government vide memo dated 30.6.2016.

2. The petitioners purchased SCO Nos. 161P, 162 and 163, Sector 20, HUDA, Kaithal vide allotment letters dated 1.2.2010 (Annexure P-1 Colly). They moved an application for clubbing of the said SCOs in view of the instructions issued by respondent No.1 vide memo dated 17.6.2009.

Respondent No.2 vide letter dated 20.10.2015 (Annexure P-2) accorded the permission to raise the construction collectively of the said SCOs. Respondent No.3 issued a letter dated 6.11.2015 (Annexure P-3) for approval of fresh/superseded and revised building plan by clubbing of the said SCOs as granted by respondent No.2 vide letter, Annexure P-2. The Additional Chief Secretary, Government of Haryana, Town and Country Planning wrote a letter dated 30.6.2016 (Annexure P-4) to the Director, Town and Country Planning and respondent No.1 that the Government had approved the Code 2016 superseding the building rules in Punjab Schedule and Road Controlled Area Restriction Unregulated Development Rules, 1965 and that all the applications for seeking approval of building plan and occupation certificate shall be governed by the Code 2016. Respondent No.1 had circulated the adoption of Code 2016 to all the Administrators of HUDA, Superintending Engineer, Senior Town Planner T&C Department, Haryana, District Town Planner, Estate Officer, HUDA and Executive Engineer, HUDA vide letter dated 15.7.2016 (Annexure P-5). Accordingly, the petitioners moved a representation dated 10.10.2016 (Annexure P-6) to the respondents for allowing the construction upto 5 storeys of SCO Nos. 161P, 162 & 163, Sector 20, HUDA, Shopping Complex, Kaithal, but to no effect. Thereafter, the petitioners served a legal notice dated 3.11.2016 (Annexure P-7) upon the respondents, but no response has been received till date. Hence, the present writ petition.

3. Learned counsel for the petitioners submitted that for the relief claimed in the writ petition, the petitioners have made a representation dated 10.10.2016 (Annexure P-6) followed by the legal notice dated 3.11.2016 (Annexure P-7) to the respondents, but no action has so far been taken

thereon.

4. After hearing learned counsel for the petitioners, perusing the present petition and without expressing any opinion on the merits of the case, we dispose of the present petition by directing respondent No.2 to take a decision on the representation dated 10.10.2016 (Annexure P-6) and the legal notice dated 3.11.2016 (Annexure P-7), in accordance with law by passing a speaking order and after affording an opportunity of hearing to the petitioners within a period of three months from the date of receipt of certified copy of the order.

(AJAY KUMAR MITTAL)
JUDGE

December 19, 2016
gbs

(RAMENDRA JAIN)
JUDGE

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No