

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP No. 25915 of 2016

Date of Decision: 15.12.2016

Oasis Buildhome Private Limited, Pitampur, New Delhi and another

....Petitioners.

Versus

State of Haryana and another

...Respondents.

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

PRESENT: Mr. Aashish Chopra, Advocate for the petitioners.

AJAY KUMAR MITTAL, J.

1. The petitioners seek a writ of mandamus directing the respondents to grant permission in terms of policy dated 18.2.2015 (Annexure P-3) to petitioner No.1 to carry out development jointly with petitioner No.2 over the land measuring 0.925 acres situated within the revenue estate of village Harsaru, Sector 88-A, Gurgaon for which License No. 151 of 2014 had already been granted to petitioner No.1; to direct the respondents not to make any further demands towards fee/charges including External Development Charges and Infrastructural Development Charges qua the aforesaid license and to take a decision on the representation dated 17.11.2016 (Annexure P-10) moved by petitioner No.1.

2. Petitioner No.1 applied for the grant of license for setting up residential Group Housing Colony over the land measuring 13.759 acres,

situated in Sectors 88A and 89A, Village Harsaru, Gurgaon Manesar Urban

Complex and as such License No. 85 of 2013 was granted on 10.10.2013 valid upto 9.10.2017. Petitioner No.1 entered into a Collaboration Agreement dated 22.9.2014 (Annexure P-1) with petitioner No.2. Besides this, petitioner No.1 has also been owner in possession of another piece of land measuring 0.925 acres situated in village Harsaru, Sector 88A, Gurgaon adjacent to and abutting the land measuring 13.579 acres. For the said land measuring 0.925 acres, petitioner No.1 moved an application for grant of license for setting up residential Group Housing Colony. Respondent No.2 issued Letter of Intent dated 21.8.2014 and thereafter issued additional License No. 151 of 2014 on 5.9.2014 (Annexure P-2). Petitioner No.1 also executed another Development Agreement with petitioner No.2 qua the land measuring 0.925 acres. A memo dated 18.2.2015 (Annexure P-3) termed as 'Policy parameters for allowing change in beneficial interest, viz. change in developer; assignment of joint development rights and/or marketing rights etc. in a licence granted under Act No. 8 of 1975' was issued by the Additional Chief Secretary to Government of Haryana, Town and Country Planning Department. Petitioner No.1 vide letter dated 30.12.2015 (Annexure P-4) requested respondent No.2 for grant of permission for joint development of the licensed land measuring 0.925 acres with respondent No.2 along with administrative charges by way of demand draft of ₹ 3,70,000/-. During the pendency of the decision of respondent No.2 on the letter dated 30.12.2015, respondent No.2 issued a memo dated 23.6.2015 to the effect that in some cases the marketing/development of the land measuring 13.759 acres was being done by a developer company other than one associated with the license granted by the department in violation of the Haryana Development

and Regulation of Urban Areas Act, 1975. Subsequently, the said memo dated 23.6.2015 was withdrawn vide memo dated 1.4.2016 (Annexure P-5). Thereafter, petitioner No.1 vide letter dated 22.8.2016 (Annexure P-6) sought clarification on the confusion occurred due to issuance of memo, Annexure P-5 from respondent No.2. However, no response was received from respondent No.2. Petitioner No.1 again wrote a letter dated 12.9.2016 (Annexure P-7) for the said clarification. An information with regard to the memos dated 18.2.2015 and dated 1.4.2016 under the Right to Information Act, 2005 was sought on behalf of the petitioner vide letter dated 8.8.2016 submitted on 31.8.2016 (Annexure P-8). However, no information was supplied to petitioner No.1. Respondent No.2 vide letter dated 30.8.2016 (Annexure P-9) informed Godrej Projects Development Pvt. Ltd., an associated company with the petitioners that the memo dated 18.2.2015 had been placed on hold. Accordingly, petitioner No.1 moved a representation dated 17.11.2016 (Annexure P-10) to respondent No.2 for grant of permission to jointly develop the land in question, 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, petitioner No.1 has sent a representation dated 17.11.2016 (Annexure P-10) to respondent No.2, 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 17.11.2016 (Annexure P-10), 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 15, 2016
gbs

(RAMENDRA JAIN)
JUDGE

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No