

122

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-21485-2017

Date of decision : 21.09.2017

DLF Qutab Enclave Residents Welfare Association
(Regd.)

... Petitioner(s)

Versus

State of Haryana and others

... Respondent(s)

**CORAM: HON'BLE MR. JUSTICE AJAY KUMAR MITTAL
HON'BLE MR. JUSTICE AMIT RAWAL**

Present: Ms. Munisha Gandhi, Senior Advocate with
Mr. Viraj Gandhi, Advocate
for the petitioner.

AJAY KUMAR MITTAL, J. (ORAL)

The petitioner has approached under Articles 226/227 of the Constitution of India for issuance of an appropriate writ, order or direction, particularly in the nature of *certiorari*, setting aside the demand of property tax raised through notices dated 28.02.2017 (Annexure P-1) colly, issued by respondent-Corporation/respondent No.3 and order dated 04.07.2017 (Annexure P-3) passed by the Commissioner, Municipal Corporation, Gurugram. A further writ of *mandamus* has been sought for directing the respondent No.3 to waive the tax, which has been levied over DLF City, Gurugram being violative of Article 265 (iii) of the Constitution of India and also grant exemption from the said tax as prescribed under Sections 83 and 84 of the Haryana Municipal Act, 1973 and Section 149 of the Haryana Municipal Corporation Act.

2. Learned Senior Counsel for the petitioner submitted that DLF City, Gurugram, from whom, the members of DLF Qutab Enclave, had purchased the flats, has not been impleaded as respondent(s). Accordingly, a prayer was made that he may be allowed to withdraw the present writ petition with liberty to file a fresh one on the same cause of action by impleading the necessary parties.

3. Dismissed as withdrawn with the aforesaid liberty.

(AJAY KUMAR MITTAL)
JUDGE

21.09.2017
Yogesh Sharma

(AMIT RAWAL)
JUDGE

Whether speaking/reasoned **Yes/ No**

Whether Reportable **Yes/ No**