

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP-27698-2017

Date of Decision: 6.12.2017

M/s Jubilant Malls Pvt. Ltd., Gurgaon and another

....Petitioners.

Versus

The Director General, Town and Country Planning, Haryana and another

...Respondents.

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

PRESENT: Mr. Arun Monga, Advocate with
Mr. Divya Sharma, Advocate and
Mr. Kanwal Goyal, Advocate for the petitioners.

AJAY KUMAR MITTAL, J.

1. In this writ petition filed under Articles 226/227 of the Constitution of India, the petitioner has prayed for issuance of a writ in the nature of mandamus directing respondent No.1 to exclude the petitioners land while considering the application of respondent No.2 for renewal of licence No. 128 of 2012, expired on 27.12.2016 and to direct respondent No.2 to return/hand over possession of their land.

2. The petitioners are owners of land measuring 2.15 and 1.20 acres, respectively situated within the revenue estate of village Basai, Tehsil and District Gurugram as per revenue records (Annexures P-1 and P-2 Colly). They were approached by respondent No.2 who is a developer, to

part of its proposed plotted residential colony by obtaining a license from respondent No.1. Accordingly, the petitioners executed two separate collaboration agreements dated 9.5.2011 (Annexures P-3 and P-4, respectively) with respondent No.2. In pursuance thereto, the petitioners had handed over the actual and physical possession of their land and signed all the required papers including unregistered power of attorney in favour of respondent No.2. Respondent No.2 obtained a license dated 28.12.2012 (Annexure P-4/A) from respondent No.1 for the development of land measuring 105.402 acres (including the land of the petitioners). The said license was valid for a period of four years and the same expired on 27.12.2016. As per the terms, after developing the plotted colony, respondent No.2 had to give a developed plotted area of 1250 square yards to the petitioners for every acre of the developed land within 36 months from the date of the collaboration agreements dated 9.5.2011, i.e. on or before 9.4.2014. The petitioners vide application dated 26.10.2017 (Annexure P-5) sought an information under the Right to Information Act, 2015 as to whether the license is valid or not as on today, i.e. 26.10.2017 and if not then they had applied for renewal and the current status of EDC/ IDC payment due on developer against 'Ramprastha Estate, LC No. 2485A-Licence No.128 of 2012'. Respondent No.1 vide letter dated 9.11.2017 (Annexure P-6) informed the petitioners that license No.128 of 2012 was valid upto 27.12.2016 and respondent No.2 had applied for renewal of the license which is under consideration. Accordingly, the petitioners vide letter dated 21.11.2017 (Annexure P-7) requested respondent No.1 not to accord any further approval and/or renewal of license issued to respondent No.2 qua their land, but no response has been received till date. Thereafter,

the petitioners vide letter dated 21/28.11.2017 (Annexure P-8) cancelled the collaboration agreement and revoked the power of attorney given in favour of respondent No.2 for the development of their land and incidental acts. Pursuant to the letter, Annexure P-8, the petitioners have refunded the amount received from respondent No.2 by RTGS/NEFT transfer. Hence, the present writ petition.

3. Learned counsel for the petitioners submitted that for the relief claimed in the writ petition, the petitioners have sent a letter dated 21.11.2017 (Annexure P-7) to respondent No.1, 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.1 to take a decision on the letter dated 21.11.2017 (Annexure P-7), in accordance with law by passing a speaking order and after affording an opportunity of hearing to the petitioners and respondent No.2 within a period of two months from the date of receipt of the certified copy of the order.

(AJAY KUMAR MITTAL)
JUDGE

December 6, 2017
gbs

(AMIT RAWAL)
JUDGE

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No