

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

CWP-9141-2016 (O&M)

Date of decision:- 13.07.2017

Anil Sharma and others

...Petitioners

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE S.J. VAZIFDAR, CHIEF JUSTICE
HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

Present:- Mr. Harkesh Manuja, Advocate,
for the petitioners.

Mr. Deepak Balyan, Additional Advocate General, Haryana,
for respondents No. 1 to 4, 6 and 7.

Mr. Vikas Behl, Senior Advocate,
with Mr. Munish Gupta, Advocate,
and Mr. Amandeep Singh, Advocate,
for respondent No. 5.

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S.J. VAZIFDAR, C.J. (ORAL)

It is agreed that there are several questions of fact to be considered and documents which have to be perused in deciding the petitioners' objections to the sanction of the modifications to the development plan issued in favour of respondent No. 5 - the colonizer.

2. The petitioners contend that they did not receive any notice of the proposed modifications.

3. Mr. Vikas Behl, the learned senior counsel appearing on behalf of respondent No. 5, contends that firstly the modifications were carried out essentially in view of the directions issued by the official respondents. Secondly, he submits that the petitioners in any event are not prejudiced by the modifications.

4. These, however, are aspects which would also require detailed consideration. The ends of justice would be met by

granting the petitioners' request to have their objections decided not by the appellate authority at this stage, but by the Director, Town and Country Planning, Haryana. It is contended that to compel the petitioners to approach the appellate authority at this stage would deprive the party concerned the right of an appeal.

5. The petition is, therefore, disposed of by directing the Director, Town and Country Planning, Haryana to consider and decide the petitioners' objections contained in the petition. However, for convenience, the petitioners are directed to present one consolidated application containing all the objections. It is this consolidated application/objections that the Director, Town and Country Planning, Haryana shall consider in accordance with law. Needless to add that all the parties concerned including those impleaded in this writ petition shall be given an opportunity of responding to the objections. The Director, Town and Country Planning, Haryana is requested to take a decision within ninety days of the receipt of the consolidated objections.

6. It is clarified that this order does not set aside the plans and the modifications thereto which have been sanctioned. The same shall, however, be subject to any orders or directions passed by the Director, Town and Country Planning, Haryana.

(S.J. VAZIFDAR)
CHIEF JUSTICE

(HARINDER SINGH SIDHU)
JUDGE

13.07.2017
Amodh

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No