

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

- 1 -

CWP-10640-2018

109

Date of Decision: 01.05.2018

MOTIA REAL ESTATE

...Petitioner(s).

Versus

STATE OF PUNJAB AND ORS.

...Respondent(s).

**CORAM:- HON'BLE MR. JUSTICE AJAY KUMAR MITTAL
HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL**

Present: Mr. Sharad Aggarwal, Advocate
for the petitioner.

ANUPINDER SINGH GREWAL, J.

The petitioner has sought a direction to the respondents to provide joining road (Y-Junction) leading up to PR-7 from the project of the petitioner located at Chajju Majra, Kharar. It has also sought a direction to the respondents to decide its representations Annexure P-27 to P-28 within a specified time.

2. The petitioner is stated to be the owner of land measuring 41 K 19 M (i.e. 5.242 Acres) comprised in Khewat no. 70, 75 khatoni no. 94, 99 khasra numbers 24//13/2(2-4) 14(7-9) 15(1-9) 18/1(0-1) 7/2(3-5) 9/2(4-0) 24//8/1(4-0) total kite 7, measuring 22 K 8M and khewat no. 76 khatoni no. 100 khasra numbers 24//8/2(4-0) and khewat no. 71 khatoni no. 95 khasra numbers 24//9/1(4-0) 7/1(3-11) 2(8-0) Kite 3 situated at Chajju Majra Village, Hadbast no. 33 Tehsil Kharar District SAS Nagar.

3. It is stated that as per the master plan of SAS Nagar, Mohali, the Y-Junction intersects the land of the petitioner leading up to PR-7 (i.e. 200 sq. ft. road). The petitioner intending to develop its

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

- 2 -

CWP-10640-2018

land into a housing project applied for the change of land use for the aforementioned land and deposited ₹ 13,12,500/- as processing fee on 17.11.2014. It applied for change of land use for the whole land but it came to know about the existence of a Y-Junction road leading up to PR-7 passing through the land.

4. It is the case of the petitioner that the road cannot lead up to PR-7 as there is already a developed multi storey housing project of another builder. The petitioner is stated to have represented to respondent No.3 with regard to its grievance on 27.11.2014, a copy of which is annexed as Annexure P-2. It had also sent an application on the same date i.e. 27.11.2014 under the RTI Act for clarification regarding the existence of Y-Junction road leading up to PR-7. The copy of the RTI application along with its receipt is annexed as Annexure P-3. However, no action was taken thereon by the respondents.

5. Learned counsel for the petitioner has contended that as the change of land use had been granted to the petitioner, the respondents be directed to provide joining road leading up to PR-7 from the project of the petitioner as otherwise, the entire project of the petitioner would not be feasible.

6. Heard.

7. We are of the considered view that the issue raised by the petitioner as to whether the respondents should provide the road without which the project of the petitioner would not be feasible would require adjudication after leading evidence. On the basis of the

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

- 3 -

CWP-10640-2018

scanty material produced on record, it is difficult for this Court to opine as to whether the road is necessary for the project of the petitioner. In any event, it would raise disputed questions of fact.

8. Consequently, the petition stands dismissed. It shall, however, be open to the petitioner to seek recourse to the remedy available to it under the law.

(AJAY KUMAR MITTAL)
JUDGE

(ANUPINDER SINGH GREWAL)
JUDGE

01.05.2018

SwarnjitS

Whether speaking/reasoned :	YES/NO
Whether reportable :	YES/NO