

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP-10858-2018

Date of Decision: 3.5.2018

KLJ Developers Private Limited, New Delhi

....Petitioner.

Versus

The State of Haryana and others

...Respondents.

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

PRESENT: Mr. Manoj Kumar Sood, Advocate for the petitioner.

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 the respondents to provide the basic amenities to the colony developed by the petitioner and to provide the master road connectivity to the colony as per the development plan of Faridabad Ballabgarh Development Plan, 2031 (Annexure P-11).

2. The petitioner is the developer of a Group Housing Colony. Originally, the land owning companies for the project were in some other names and all those land owning companies as well as the collaborating company have since merged with the petitioner company vide orders dated 29.3.2013/23.9.2013 (Annexure P-1 Colly) passed in CP-602-2012 and CA-967-2013 by the Delhi High Court. Earlier the petitioner was known as KLJ

changed to KLJ Developers Private Limited vide certificate dated 23.11.2010 (Annexure P-2) issued by the Registrar of Companies, New Delhi. The petitioner applied for the licenses and seven licenses with regard to development of Group Housing Colony in revenue estate of village Neemka, Sector 77, Faridabad were issued. Respondent No.2 issued the Letter of Intent (LOI) dated 13.11.2006 (Annexure P-3) for fulfilling the conditions for issuance of the license. The petitioner completed the formalities and was granted license dated 2.1.2007 (Annexure P-4). The petitioner had also applied for the license in collaboration of four other companies qua the adjoining land and respondent No.2 issued LOI dated 9.5.2008 (Annexure P-5) for fulfilling certain conditions for issuance of the license. On fulfilling all the conditions, respondent No.2 granted license dated 8.8.2008 (Annexure P-6) to the petitioner. The petitioner had deposited the requisite payments quo EDC, IDC and also the bank guarantees and thereafter the buildings plans, Annexure P-7, for the Group Housing Colony were approved by respondent No.2. Vide receipts dated 12.12.2006 (Annexure P-8), the petitioner paid the IDC amount towards license (Annexure P-4). The EDC amount was also paid by the petitioner till 18.8.2011 as is clear from the letter dated 24.2.2015 (Annexure P-9) issued by respondent No.2. Since the project was completed in phase manner, respondent No.2 issued the occupation certificates (Annexure P-10 Colly) qua 2414 units including 364 EWS units and 58 shops. As per the Master Plan (Annexure P-11) for the development of Faridabad Development Plan 2031, the Group Housing Colony was to be connected by two proposed sector dividing 45 meters and 75 meters road and further the said roads had been proposed to be connected to the Bye-Pass Road by

crossing the Agra Canal by two bridges. However neither these bridges nor the roads had been developed and made operation. Accordingly, the petitioner moved a representation dated 20.3.2018 (Annexure P-12) to respondent No.4 for providing the basic amenities to the colony developed by the petitioner, but no response has been received till date. Hence, the present writ petition.

3. Learned counsel for the petitioner submitted that for the relief claimed in the writ petition, the petitioner has sent a representation dated 20.3.2018 (Annexure P-12) to respondent No.4, but no action has so far been taken thereon.

4. After hearing learned counsel for the petitioner, 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.4 to take a decision on the representation dated 20.3.2018 (Annexure P-12), in accordance with law by passing a speaking order and after affording an opportunity of hearing to the petitioner within a period of two months from the date of receipt of the certified copy of the order.

(AJAY KUMAR MITTAL)
JUDGE

May 3, 2018
gbs

(ANUPINDER SINGH GREWAL)
JUDGE

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No