

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-17920-2018

Date of Decision: July 23, 2018

Kanwar Singh and others

.....Petitioners

Versus

State of Haryana and others

.....Respondents

**CORAM: HON'BLE MR.JUSTICE SURYA KANT
HON'BLE MR. JUSTICE SUDIP AHLUWALIA**

Present: None.

.....

SURYA KANT, J.(ORAL)

The petitioners are residents of Gurugram or the nearby area.

One of them appears to be a Builder-cum-Developer. They seek a writ of mandamus to direct the State of Haryana through Town and Country Planning Department as well as the Municipal Corporation, Gurugram to adhere to the 'Master Plan-cum-Final Development Plan-2031 AD' notified for 'Gurgaon-Manesar Urban Complex'. They further seek an order to restrain the respondents from carrying out any development which is contrary to the above-stated 'Master Plan/Sectoral Plans' and not allow to raise such construction which may have the consequence of jeopardizing the certification of licensed Projects.

[2] It is averred in the writ petition that the State Government notified the 'Master Plan/Final Development Plan-2031 AD for Gurgaon-Manesar Urban Complex on 15.11.2012 alongwith restrictions and conditions. Keeping in view the said Development Plan, petitioner Nos.1 to 17 entered into a collaboration agreement with the Developer-cum-Builder for developing a Group Housing Colony on their land measuring 13.078 acres for which Licence No.127/2012 has been granted. The building plan of the Group Housing Colony as also the Zoning Plan have been approved by the Town and Country Planning Department. It is alleged that the Municipal Corporation, Gurugram, in total violation of the 'Master Plan' and without obtaining any prior permission from the Town and Country Planning Department, has sanctioned construction of a 'Ramp Like Inclined Road' due to which access to the Group Housing Colony of the petitioners from Dwarka Expressway has been allegedly blocked. It is,thus, contended that action of the Municipal Corporation is totally contrary to the approved 'Master Plan' as notified in the year 2012. We find that such an issue has been raised by the petitioners vide representations dated 24.05.2018, 01.06.2018 and 05.06.2018, Annexures P7, P8 and P9 respectively.

[3] Having gone through the averments made in the writ petition and keeping in view the question of fact raised on behalf of the petitioners but without expressing any views on its merits, the writ petition is disposed of with a direction to the Director General, Town and Country Planning Department, Haryana to ascertain the correct facts and if need be, hear the representatives of the petitioners as well as Municipal Corporation,

Gurugram and take an appropriate decision within a period of four months from the date of receipt of a certified copy of this order.

(SURYA KANT)
JUDGE

July 23, 2018
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(SUDIP AHLUWALIA)
JUDGE

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| 1. | Whether speaking/reasoned ? | Yes/No |
| 2. | Whether reportable ? | Yes/No |